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# THE NEW REPUBLIC

*A Journal of Politics and the Arts*

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# The New Man

Of all the contradictions embodied by Barack Obama, none is more fascinating than the tension between his clear instinct toward idealism and his equally apparent devotion to pragmatism. It was the idealistic Obama that the country got to know first—through the soaring exhortations of a 2004 convention speech, and later as we began to digest the rough outlines of a resumé that included a stint as a community organizer in a poor Chicago neighborhood. But, over the course of the 2008 campaign—even as he darted around the country delivering speeches crammed with paeans to hope—a different side of Obama revealed itself. This Obama was disciplined, practical, and cautious—politically liberal, yes, but in many ways temperamentally conservative. He was also decidedly unafraid of the trade-offs, compromises, and conflicts inherent to electoral politics.

CARLOS BARRIA/REUTERS/CORBIS

Democrats have warmed to both sides of Obama, and rightly so. The party and the country have learned through recent experience that neither idealism nor pragmatism is much good unless coupled with the other. It isn't exactly a question, then, of whether Obama the idealist or Obama the pragmatist should run the country for the next four years. Clearly, he will draw on both impulses—as he should. The real question is how Obama will determine the relative balance between the two. And there are reasons to suspect that Obama's instinct toward pragmatism will win out more often than not. For one thing, Washington is set up to tame brash plans and big ideas. No president is above these rules, and Obama will probably find himself bending to them. But there will be an additional factor pulling the new administration toward pragmatism: Presidents tend to react to the perceived failures of those who preceded them. Republicans saw Clinton as undisciplined, so Bush established an administration that was secretive and loyal. Democrats see Bush as cavalier—so, if Obama follows the usual pattern, it will mean an administration heavily inclined toward caution.

None of this would be terrible, of course. There are good reasons to wish for a return to prudence in government after the past eight years. And yet we hope that Obama does not venture too far in this direction. Even as he goes about playing the game of politics as it was meant to be played, Obama must remember that the people who put him in office were not just attracted to his sobriety; they were also attracted to the spark of idealism he has always seemed to convey.

The principles to which this magazine is committed—and which we hope Obama will act on—are tied together by a sense of idealism about what government can accomplish when it sets out to improve lives and ameliorate injustice. Obama has a once-in-a-generation opportunity to reform a broken health care system and affirm the principle that, in a decent society, quality medical attention is a birthright. He faces a climate-change emergency requiring radical government measures. And he inherits an economy that needs not only to be revived, but also to be reformed—to be made greener and more equal and less rapacious.

Around the globe, the temptation for Obama to run away from ideals, and fall back on interests, will be great. Bush, after all, has badly tainted foreign-policy idealism. But, instead of abandoning idealism, Obama should strive to save it. That means fulfilling our obligations to the people of Iraq and Afghanistan—providing them with as much stability and freedom from tyranny as we have within our means to ensure. It means using American power to stop genocide, and dealing unflinchingly with regimes—from Iran to Burma to China—that suppress their own people or threaten others. And it means revivifying our role as the vanguard in crafting global efforts to check the spread of nuclear weapons and carbon emissions.

In 1960, The New Republic ran an editorial that began on the magazine's cover. Its title was "These New Men," and its subject, in part, was the hard-headed idealism of the young generation of liberals—led by John Kennedy—who had just taken over the Democratic Party, and who the magazine hoped would show "a commitment to the widest possibilities of life." "We share the sense of great-things-in-the-making," TNR wrote, adding that it was "impressed by the idealism" of these leaders because it was "not an idealism that expends itself in moral pronouncements. … They all have a controlled impatience; they want action, but they calculate the odds."

Idealism, in other words, had to be tempered by pragmatism. Yet neither could it be put aside entirely. Of course, this isn't a mystical formula and possesses its own perils. But, now that he has won the White House, Obama should not forget that he sold himself to voters as an idealist. From him, they have felt the jolt of great things in the making. ◆




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# Tough Love

*So who are you calling "pro-Israel"?*

JONATHAN CHAIT

## TRB
### *From Washington*

Last year, a new Middle East lobby called J Street was formed to push American Jewish opinion in a more conciliatory direction. "What we're responding to," wrote J Street Executive Director Jeremy Ben-Ami last year, "is that for too long there's been an alliance between the neo-cons, the radical right of the Christian Zionist movement and the far-right portions of the Jewish community that has really locked up what it means to be pro-Israel."

Israel's supporters do have a distressing tendency to define their position in maximalist terms. Witness the absurd controversy that surrounded Barack Obama's banal observation last year that "nobody has suffered more than the Palestinians." But J Street's main accomplishment seems to be replacing right-wing shibboleths with left-wing shibboleths.

Right-wing Zionism thrives on a sense of victimhood and encirclement. J Street has won a cult following among liberal bloggers by tapping into an equivalent narrative of persecution and bravery. Ben-Ami last year denounced conservatives "who, through the use of fear and intimidation, have cut off reasonable debate on the topic." Here, J Street has borrowed heavily from Stephen Walt and John Mearsheimer, who argued that "the Lobby" controls the U.S. foreign policy debate in part by silencing critics. (J Street adviser Daniel Levy described the Walt-Mearsheimer book as a "wake-up call.")

Inhibition, though, seems to be in short supply. In fact, there's an air of competitive, can-you-top-this taboo-shattering bravura, like a bull session about affirmative action in the offices of the *Dartmouth Review*. In 2006, Jimmy Carter published a book comparing Israel to South Africa. *Time* columnist Joe Klein recently accused "Jewish neoconservatives" of "divided loyalties." (What about Gentile neoconservatives like Dick Cheney and Don Rumsfeld? Are they chopped liv … uh, ham?) Often such declarations are accompanied by boasts of personal courage. *Atlantic* blogger Megan McArdle dramatically declared, "It will not do my career much good to say it, but here goes. America has an influential Israel lobby in large part because of ethnic affinity." And yet the fearful consequences never seem to arrive. Even Walt himself, despite having his thesis widely debunked even by those inclined to agree with him—a *Nation* reviewer called it "a mess"—has been hired to write for *Foreign Policy* and now enjoys more prestige than ever.

J Street, perhaps reflecting Ben-Ami's background in the Clinton administration and the Howard Dean campaign, shares the contemporary liberal obsession with rhetoric and framing. It's not a frivolous concern. Many Jews casually interpret "pro-Israel" to mean support for the Likud platform. Thus the answer to what is properly the subject of debate ("What is good for Israel?") is presupposed by a label.

J Street's own rhetoric, though, pulls off an analogous trick. It calls itself the "pro-peace, pro-Israel lobby." Well, who opposes peace? Everybody has their own iteration of peace, from Hamas (all Jews decide to leave the Middle East or submit to Islamic rule) to the Israeli settler movement (Palestinians decide to move to Jordan or submit to perpetual Israeli occupation) to more reasonable compromises in between. Among advocates of a two-state solution, the debate focuses on whether Palestinian or Israeli intransigence is the major impediment. Labeling an ideology "pro-peace" presupposes the answer to the question "What is the best way to achieve peace?"

Likewise, conservatives employ crude dualism—either you unquestionably support everything Israel does, or you support its enemies. J Street flips the dualism around—either you're with the settlers and the Christian right, or you're with the J Street mainstream. This is a clever way to build J Street's appeal to American Jews who, for the most part, distrust the Christian right. But Israel's battle in Gaza has exposed the inconvenient fact that J Street sits outside of the Jewish mainstream. Not only Likud supported the attack, but also centrist Kadima, liberal Labor, and even (initially) left-wing Meretz. American Jewish opinion on Gaza hasn't been polled, but it generally tends to track Israeli Jewish opinion.

Which leads to the question of what exactly J Street thinks it means to be "pro-Israel." Some of its spokesmen invoke "tough love" for Israel, and Ben-Ami compares J Street's mission to taking the car keys away from a drunk friend. J Street is no doubt sincere in its belief that Israel would benefit from a more dovish line. But, if the conservative definition of "pro-Israel" raises the threshold too high, J Street's sets it too low. Even people we think of as harsh critics of certain countries would embrace them if they were willing to adopt radically different policies. Dick Cheney no doubt thinks Iranians would stand to gain by taking up a pro-American foreign policy. Does he qualify as pro-Iran? Stephen Walt recently aped J Street's logic, writing, "The sooner we redefine what it means to be 'pro-Israel,' the better for us and the better for Israel." Is Walt—whose book portrays Israel as a force for evil throughout its existence—pro-Israel?

When Israel began its counterattack against Hamas, J Street declared that it would not "pick a side." As J Street put it, "there is nothing 'right' in raining rockets on Israeli families or dispatching suicide bombers, there is nothing 'right' in punishing a million and a half already-suffering Gazans for the actions of the extremists among them." J Street didn't merely suggest Israel's action has gone too far—a notion I would endorse—but that no moral distinction could be drawn between its actions and the wanton, deliberate murder of civilians.

There is, to say the least, a delicate balancing act involved in declaring your love for a country while deeming it the moral equal of a terrorist death cult. At some point you begin to sound like the Saturday Night Live version of Joe Biden. ("I love John McCain, he's one of my dearest friends, but at the same time, he's also dangerously unbalanced.") J Street isn't "anti-Israel"—a buzzword that's probably best avoided altogether or reserved for those who wish Israel harm—but "pro-Israel" does not seem the most apt description.

If the essence of your work is reframing the terms of debate, then your terms ought to mean something. I say this in the spirit of tough love. A true friend to J Street doesn't reflexively defend it. J Street's best interest requires me to point out when it advocates moral absurdities and meaningless tripe. Surely J Street would agree. ◆



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# Americans may eventually find a way to live without oil. Water is another story.

Optimistic Americans believe we will eventually replace our dependence on oil with alternative fuels. There is no alternative for water. It is the one resource that humans can't live without for more than a few days. Yet many experts see water shortages as a looming crisis of massive proportions. Evidence abounds. Robert M. Hirsch of the U.S. Geological Survey reports some parts of the country are now depleting water that has been around since the ice age. California water officials say population growth is outrunning water supply and that the state will be short on water by 2020. Every newcomer to California adds 140 gallons of water demand per day. El Paso, San Antonio and Albuquerque could run out of water by 2020. Central Florida could run out of water in five years. In Kansas, the high plains aquifer will be used up within twenty-five years. And upstate New York's reservoirs are at record lows. A water shortage will make an oil shortage seem trivial. What can we do to head off a water crisis? The first step is limiting waste, especially in irrigation. The second is limiting demand by managing a population explosion driven almost totally by immigration. If we can all agree on an immigration plan that is fair and workable, we can avoid the projected growth of another 100 million people in just 30 years*. If we don't, the demand for fresh, clean water will continue unabated. Until the tap runs dry.

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## Out of Africa

*The Kenyan politician who made Barack Obama.*

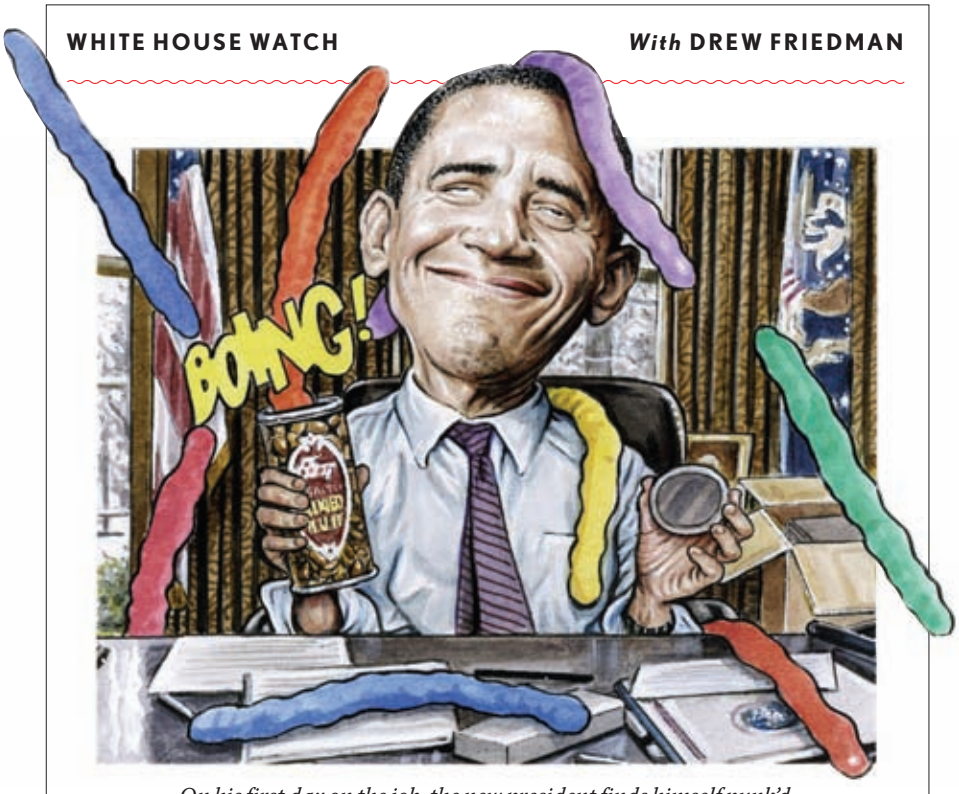
An episode that took place in New York nearly four decades ago—on March 18, 1969—sheds a special light on the meaning of Barack Obama's inauguration as our nation's first African American president and the transformation this signifies in American race relations. On that date, Tom Mboya, a prominent Kenyan leader, delivered a lecture to a large Harlem audience on the challenges faced by newly independent African nations in the aftermath of colonialism. Toward the end of his speech, he took on a topic of hot debate among American blacks: the idea that activists should organize a mass "back to Africa" movement among African Americans in the United States. Mboya started by rejecting the notion, but, before he could explain his position, he was interrupted by several hecklers, one of whom hurled four or five eggs in his direction. The meeting was abruptly concluded.

Mboya was not satisfied to leave it at that, though. Soon thereafter, he and a friend, civil rights leader Bayard Rustin, decided that Mboya should write a major article explaining his views on the "back to Africa" proposal and on the larger subject of the relationship of American blacks to Africa. Rustin was a natural partner for such a project. A former radical who had organized the March on Washington in 1963, he had emerged as the leading opponent of the outspoken nationalists, pointing out that their proposals would only isolate blacks. The "back to Africa" movement, Rustin often said, was only the most extreme example of nationalist futility, an expression of hopelessness more than a plan of action.

Mboya's article, which appeared in *The New York Times Magazine* on July 13, 1969, under the headline, "The American Negro Cannot Look to Africa for an Escape," begins by acknowledging the special relationship between Africans and black Americans and the parallels between their respective struggles for independence in Africa and for legal and political equality in the United States. But the nub of his argument points out some crucial separations between African nationalism and black nationalism in America. "African nationalism," Mboya writes, "is, by its very nature, integrationist, in that its primary objective is to mold numerous tribes into a single political entity." Black nationalism in the United States, on the other hand, had more in common with tribalism than with African nationalism. Mboya recognized how "extraordinarily difficult" it was for a group that had been "an oppressed racial minority" to resist letting a new racial pride degenerate into "a form of racialism." But he saw such nationalism as a dangerous trap for American blacks. The task ahead was clear and should be faced with firm resolve: "Just as the African must reconcile the differences between his tribal and his national identity, so too must the black American realize to the fullest extent his potential as a black man and as an American."

Mboya ended his article by calling for Africans and black Americans to work together in support of his campaign for a student airlift to the United States. In 1959, he had established the African-American Students Foundation, the purpose of which was to raise funds to bring students from Kenya and other parts of East and Central Africa to study at American universities before returning home to work in public service. In fact, the Harlem incident and the reflection

**WHITE HOUSE WATCH** *With* **DREW FRIEDMAN**




*On his first day on the job, the new president finds himself punk'd.*



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*Kenyan politician Tom Mboya (right) speaks to members of the press during a visit with Senator John F. Kennedy in July 1960.*

AP PHOTO/HARVEY GEORGES

it prompted on the separate identities of Africans and American blacks would not command our attention today were it not for the fact that one of those students, on the very first airlift of 81 young Kenyans, was a man named Barack Obama.

It is now well known, of course, that Obama Sr. entered the University of Hawaii in 1959 where he met and married Stanley Ann Dunham, who gave birth to Barack Obama Jr. on August 4, 1961. Obama Jr.'s birth, even as an almost casual by-product of the airlift's principal purpose—Obama Sr. didn't stay long in the United States, returning to Kenya where he became a senior economist in the Ministry of Finance—adds yet another thread of experience to the deep interconnectedness of Africa and the United States, which was such an important theme for Mboya. Even more, Obama's successful presidential campaign is an affirmation of the main theme of Mboya's message to his "American cousins"—that, if the black American can overcome racialism and "merge his blackness with his citizenship as an American … the result will be dignity and liberation."

Obama's rise to the presidency is a vindication of this vision of post-racialism, and the impact it has had on American democracy illuminates an even more profound observation Mboya offered, almost in passing, about race in America. Commenting on the gains that blacks had made in Africa and elsewhere in the 1960s, he wrote that American society had "been forced to undergo a genuine social revolution in response to the black struggle." This was true as far as it went—the black struggle was, indeed, the spark that ignited a broader social revolution. But it was able to do so in the same way the anti-slavery movement had transformed America a century earlier—by mobilizing social forces to address what Gunnar Myrdal called "the American dilemma," the contradiction between the American creed of equality for all and the unequal condition of American blacks. Obama built upon that legacy, using the vision of an America overcoming racial division to inspire a movement to broaden and deepen our democracy.

Mboya lived his commitment to non-racialism in Kenya, too, and the country's history contains a message for Obama at the threshold of his presidency. During the run-up to independence in 1963, when Kenya was beset by tribal divisions, Mboya, who was a Luo, campaigned for the release of the country's imprisoned nationalist leader Jomo Kenyatta, who represented Kenya's largest tribal group, the Kikuyu. With Mboya's support, Kenyatta became Kenya's founding president when a republic was declared in 1964, and many thought Mboya, who had been a key leader of the political struggle against British rule, was being groomed to be Kenyatta's successor. This was a source of great concern to Kikuyu hardliners and a reason for Mboya's preoccupation with the danger of tribalism. As it happened, he was assassinated on July 5, 1969, by a Kikuyu tribesman, just a week before his article was published in *The New York Times Magazine*. (Obama Sr., himself a Luo, would also run afoul of ethnic politics, losing his official post, becoming overwhelmed by a weakness for drink, and dying in a car wreck, only 46 years old.)

Superficially, Kenya has been an African success story—it has avoided coups and major armed conflicts and has been a hub for humanitarian assistance and international operations in East Africa. But it has been beset by systemic corruption that has been subsidized by misguided international aid. As Mboya found, it has enjoyed the trappings of democracy but not the substance. It has suffered under an imperial presidency, a self-serving and feckless legislature, a partisan election commission, and a centralized federal system dominated from Nairobi by the Kikuyu, the largest ethnic group in the country but only one out of 42, representing just 22 percent of the population. All of these problems erupted into chaos following the disputed presidential election of December 2007, leaving more than 1,000 dead and 300,000 others displaced in less than a month.

Some might conclude that Kenya is just another lost African cause, but that would be a serious misreading of the situation. The crisis erupted when it did, not because of endemic ethnic conflict or public despair, but because citizens across Kenyan society lost patience with corrupt political leaders. Kenya has actually been on a forward democratic trajectory since 1992, when multi-party politics was restored, and especially since the defeat of Daniel arap Moi's party in the 2002 presidential elections. Kenyan civil society, from NGOs to religious groups, has broadened and become more assertive, and the press has become bolder, exposing corruption and empowering citizens with information. There is simply no turning back from the continuing struggle for democracy, re-



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spect, and economic opportunity.

Kenya is not unique in this regard, but emblematic of a broad democratic awakening that has occurred, to different degrees, in other African countries and other regions, not excluding even the Middle East. Obama's campaign has certainly contributed to this awakening, since it was the most closely followed democratic competition ever and has raised expectations of citizens around the world about what they want from their governments in terms of democratic performance and respect for basic rights. It has also raised expectations about the kind of support such aspirations should receive from the United States. Obama will need to respond to these hopes and meaningfully help those who are fighting for democratic rights, even as he tries to get our economy back on track. It would be an appropriate way to repay Kenya, and the world, for Tom Mboya's gift to America.

CARL GERSHMAN AND MAINA KIAI

*Carl Gershman is president of the National Endowment for Democracy. Maina Kiai is former chair of the Kenya National Commission on Human Rights.*

## Intelligence Design

*What's a nice boy like Leon Panetta doing in a place like the CIA?*

IT'S ALMOST IMPOSSIBLE to find someone to trash Leon Panetta, the old Washington hand Barack Obama wants to install at the helm of the CIA. Soft-spoken yet firm, with a winningly hangdog face, Panetta combines judiciousness with a disarming sense of humor that soothes colleagues and reporters alike, making him that rare Washington big shot who has almost never been the target of a hit piece. But dig deep into Panetta's biography and you'll find one man who despises him: Dick Morris.

In the summer of 1995, Panetta was locked in an intense battle with Bill Clinton's notorious political consultant. Panetta was Clinton's chief of staff and working hard to limit the Machiavellian Morris's access to the president's ear. Panetta loathed Morris. He felt the blow-dried operative cared only about poll numbers, not the national interest. (Some White House aides joked that, if he could have, Morris would have had the president propose a national "511" number for Americans to get speedy Chinese food.) Panetta had sought to ban Morris from the West Wing, even putting out an all-points bulletin to staff asking that he be notified of any "Morris sightings." "There was a battle of wills there," says one former Clinton White House aide.

Morris, who didn't respond to my messages, later recounted that battle in a self-serving memoir. But the book curiously winds up spotlighting the integrity of his nemesis. In one anecdote, Morris recalls a key 1995 meeting with Clinton in which Panetta put his foot down. "Mr. President," Panetta declared, "you can have my resignation before I will allow half-baked ideas to make it out of this building, before the experts who have spent their lives working in these areas have a chance to review them and modify them to make them work. We cannot just turn the White House staff and the Cabinet over to a political consultant." Recorded by Panetta, those words would sound grandiose and self-serving. Coming from his arch-rival, they are credible—even stirring.

That's not, to say the least, a bad thing for a guy taking over an agency that has been subject to political assault and

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manipulation. But, as he prepares to enter his new job, Panetta has for the first time found himself under heavy political fire. His critics say he'll be hobbled by a lack of experience analyzing intelligence and little familiarity with the agency's often messy covert operations. In a sense, the criticisms of Panetta go back to the original reason that he had so few enemies to begin with—and perhaps the reason Obama chose him for the post: He is the consummate Washington wise man—judicious, relentlessly pragmatic, occasionally clubby. But is the CIA any place for wise men?

CHIP SOMODEVILLA/GETTY IMAGES

While some Obama boosters have called Panetta an "inspired" choice, he was in fact a backup candidate. Obama originally wanted the career agency hand John Brennan for the job. But the civil-liberties left furiously accused Brennan—on the basis of tenuous evidence—of complicity with recent CIA torture and rendition practices, leaving Obama scrambling. He landed upon Panetta, who, as a former congressman, White House chief of staff, corporate board-sitter, quotable pundit, co-founder (with his wife) of a California public policy institute, and familiar member of worthy blue-ribbon panels, sent a reassuring message of Washington wisdom and know-how. Equally important, Panetta had stated his categorical opposition to torture "under any circumstances."

Panetta will take over the CIA at a time when its frontline intelligence agency is in disarray, run roughshod by Washington politics. First came the White House pressure over Iraq's WMD and alleged links to Al Qaeda, George Tenet's infamous "slam dunk" assurance, and the demoralizing outing of Valerie Plame. Then came the exposure of manufactured evidence from such bogus sources as the alcoholic liar "Curveball." Next came scandals over torture and secret prisons, followed by calls for accountability from congressional liberals. Meanwhile, Panetta will become the agency's fourth director in six years, during which time the agency was also effectively demoted by sweeping intelligence reform that put it under the aegis of a new Director of National Intelligence (DNI), fostering bitterness within the agency. Moreover, as former CIA assistant director Mark Lowenthal notes, recent retirements plus an influx of post–September 11 volunteers means that the agency's staff "is probably less experienced now than at any other time."

In short, the CIA is in dire need of some calm and stability. And stability is a Panetta forte. In mid-1994, Panetta, then White House budget director and a former California representative, was named Clinton's chief of staff and tasked with imposing discipline on the young and inexperienced Clinton team. The West Wing had no structure, with aides wandering in and out of the Oval Office; Clinton's presidency was foundering. "The West Wing was dysfunctional and a mess, and Panetta was brought in to straighten things out," explains one staffer from the time. Panetta had no personal ties to Clinton or his inner circle, and many Clinton aides initially felt threatened. But Panetta's two-and-a-half-year tenure—a model of order and discipline—was widely seen as a success. "He came in to a hostile situation and, by and large, won over the affection and loyalty of the staff," says the aide.

In some ways, the CIA needs the same handling. Amazingly, in light of what we know about the failure to stop the September 11 plot, the intelligence community still struggles with core tasks like information-sharing between the FBI and CIA. By many accounts, the agency is also infused with resentment among career employees toward the DNI's office, to which the CIA director now reports. One senior Democratic lawmaker says a key element of Panetta's mission will be to "stop the CIA-DNI feud."

Maybe most important will be for Panetta to resume his role resisting politicized policy. This was the position he occupied as a young chief of Richard Nixon's civil rights office in 1970, which he quit rather than become a part of Nixon's racialized "Southern strategy." As a budget baron in Congress, and as Clinton's first budget director, he was known for his green-eyeshade rigor. Not only did he tell Clinton to his face that his friend Dick Morris was a menace, but, when the Monica Lewinsky scandal broke in 1997, Panetta (then out of the White House) was among the few Clintonites who dared suggest that Clinton might need to resign. "He's a no-bullshit guy," says longtime friend and former Republican senator Alan Simpson.

Since Obama tapped him for the job, critics have mocked Panetta's lack of experience within the intelligence establishment. But the fiasco over pre-war intelligence about Iraq's WMD program—the "slam dunk" that wasn't—underscores the importance of having a rigorous empiricist at the helm of the agency. "The thread that runs through his career is integrity," says Erick Mullen, a longtime former aide to Panetta.

Still, if Panetta thrives as a stabilizing force, he may not have the vision and imagination the CIA now needs. Establishment Men tend to succeed by virtue of a certain caution. Since leaving Washington, Panetta has charted a comfortable path of TV appearances and corporate boards. He sat on the board of the New York Stock Exchange in 2003, when its compensation committee approved an obscene $140 million bonus for the NYSE's embattled chairman, Richard Grasso. (The $15,000 that Panetta's California think tank had taken from the stock exchange's foundation suggested a classic bit of elite logrolling.) Panetta also served on the Iraq Study Group, that ultimate gathering of "wise men" whose near-hopeless view of the war more accurately captured public opinion than reality on the ground.



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This kind of complacency is already plaguing the CIA, which time and again has failed to adjust to new conditions and alignments. The agency has been painfully slow to find ways to handle post-Soviet adversaries like Iran, North Korea, and Islamic extremist groups. The 2005 Silberman-Robb commission, in its comprehensive assessment of the U.S. intelligence establishment, lamented a lack of new thinking in the CIA's Directorate of Operations—and even recommended a new CIA "Innovation Center" to find new approaches. "The best hope for preventing future [intelligence] failures is dramatic change," the commission found, calling for a spy establishment that is "far more imaginative and willing to run risks."

And it is in addressing this issue that where Panetta's stability could prove his Achilles' heel. Panetta, Morris observed, "respected the institutions of government, the established protocols of process, and abhorred circumvention. He mistrusted spontaneity. . . . He just was the establishment." In a pinch, this Establishment Man can bring calm and order. But, when it comes to modernizing the CIA, the Establishment may be just what the agency does not need.

*Michael Crowley*

## Virginia Cavalier

*Terry McAuliffe's zany run for governor.*

"I love chicken waste!" Terry McAuliffe shouts to a crowd of several hundred elegant northern Virginians at Alexandria's Torpedo Factory art gallery. McAuliffe—the former Democratic moneyman dubbed by Al Gore "the greatest fund-raiser in the history of the universe"—is running for governor of Virginia, and tonight is the official rollout of his primary campaign. As he rhapsodizes about Virginia's 1,000 poultry farms, his pale eyebrows hop around furiously on his sharp, ostrich-like brow ridge. McAuliffe's listeners—many of whom are decked out in the kind of pricey wearable art that's offered for sale in the gallery—seem nonplussed. But McAuliffe presses on. As governor, he explains, he would transform the nearly half-a-million tons of chicken poop the state produces every year into an alternative energy source. "Ew," murmurs one elderly man. But, if McAuliffe recognizes any shade of absurdity in all this, he never lets it show. "Fifty thousand tons of chicken waste equals forty megawatts of power, which could power forty thousand homes!"

This kind of irrepressibility is Terry McAuliffe's signature quality. It's what allowed him, in the 1990s, to seduce prudish Democrats into a love affair with big money, to turn the debt-mired Democratic National Committee into a vacuum for donations as chairman from 2001 to 2005, and to fund Hillary Clinton's presidential campaign—as well as become an ubiquitous TV talking head. McAuliffe's technique is to smother his targets with relentless enthusiasm until their hostility or skepticism collapses for lack of oxygen. The classic is, of course, his cable interview on the night of the 2008 West Virginia primary, in which he assured Chris Matthews, "You're going to see a great speech tonight from Hillary Clinton. . . . One of the greatest speeches, Chris, ever given." As Matthews and cohost Keith Olbermann began to arch their eyebrows in disbelief ("The greatest speech ever given?"), McAuliffe continued to hover in the feed on the right of the screen, unperturbed, his smile as bright and unembarrassed as ever.

*David Cowles*

But, as McAuliffe turns from bankrolling his friends' races to running for office himself, the smothering is aimed not at his peers but at the common man. At meet-and-greets from small-town Leesburg to exurban Manassas to far-south Martinsville, he douses voters in an ebullient rain of proposals. There are big ideas ("I promise you I will create more jobs than any of the other forty-nine governors") and granular ones ("I will make sure every lightbulb on [highway] warning signs is up and running"). And, when the ideas run out, there's the trademark McAuliffe confidence in his product—in this case, himself. "I think you'd love me as governor," he likes to add.

There are a number of things that Virginians might not be inclined to love about McAuliffe. There's his outsider provenance (he's originally from Syracuse) his staggering personal wealth (he offered to put up $1.35 million to help the Clintons buy their Chappaqua house), and his blue-blood social set ("I was standing there having a casual conversation with King Juan Carlos, my occasional hunting partner, when we were joined by Blair," he writes in his memoir). Everyman may be an antonym for McAuliffe. And yet, Virginians are giving him a remarkably warm reception. At a Saturday morning meet-and-greet in a Leesburg brewpub, McAuliffe, clad in a business jacket and a subtly country-and-western scalloped silver belt, delivers his rapid-fire presentation of proposals to shouts of "Yes!" and bursts of applause. "You came in here two strikes down with me" for being an outsider, one blue-shirted local named Mike Turner tells McAuliffe afterward. "But I'm won over." The sentiment is widespread. Bob Moses, an AFL-CIO employee who also vice-chairs the Loudoun County Democratic Committee, reports that, after listening to McAuliffe's "phenomenal" number of "solutions" at the brewpub, "people walked out of there in shock and awe. . . . Let's just say that there were a number of people who were uncommitted who now are behind Terry."

McAuliffe's money isn't exactly sending the party faithful running, either. A streak of thrilling, national-news-making triumphs in Virginia—Mark Warner, Tim Kaine, Jim Webb, Barack Obama—has turned the state's Democrats on to the pleasure of winning. And next November's



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election is especially critical, since the outcome of the battle for the House of Delegates will dictate who controls 2010's congressional redistricting and, thus, the state's political future for a decade. Because Virginia has no cap on campaign donations, a candidate like McAuliffe has the potential to become a sort of political Johnny Appleseed, using his millions to sprinkle field organizers throughout Virginia, which could also boost local races. (He plans to deploy at least 40 field organizers in the Obama model.)

But money is not McAuliffe's only appeal. His jubilant can-do optimism is striking Virginians as authentic, set against the backdrop of the hope-powered Obama era. "He brings a kind of energy and visibility and presence that's just extraordinary," gushes Bob Holsworth, a political analyst at Virginia Commonwealth University. (Or, as McAuliffe puts it to me: "People want to be with winners. Would you rather have a beer with a downer?") In an amazing sign of the times, Holsworth explains that the entrance of McAuliffe into the gubernatorial primary, rather than making the race more cynical—as a connoisseur of McAuliffe's Washington exploits might reasonably expect—has delivered the race from cynicism. "He's good for the campaign. He's going to shake up the complacency," says Holsworth. "They're all going to have to have ideas."

McAuliffe's ideas may be hard to beat. In the style of Julius Caesar, who bequeathed his private arbors and 75 drachmas each to the people, McAuliffe spontaneously offered last week to donate his gubernatorial salary to build the economically depressed town of Martinsville a high school gym.

There will be some reluctant nonbelievers along the way, of course. From Leesburg, McAuliffe drives on to another brewpub in Manassas, where his performance rates nearly as high as it had in Leesburg. The hiccup comes during the question-and-answer session, a potentially perilous period for McAuliffe, given his zealous devotion to chicken waste and highway lightbulb repair. As he wraps up one answer, a trembling mother thrusts a picture of her autistic son, Jimmy, into his face and asks when Virginia will cover autism on its state employee health plan. But soon, somehow, McAuliffe's answer circles around to the extra lanes he wants to build on U.S. Highway 58, which runs from Virginia Beach to the Cumberland Gap. "We've got to four-lane 58 the whole way!" he exclaims, rocking back and forth like Rain Man. The crowd is quiet at their tables, and the realization descends on McAuliffe that something is not quite right. He pauses and peers hard at the mother, Rachel Kirkland. "Your child should be covered," he says. "I apologize for that."

"The divorce rate for autism parents is 85 percent," says Kirkland, her voice breaking.

"Right," says McAuliffe and falls, briefly, silent.

But there's nothing in this world that can't be fixed, and when Kirkland darts out before the meet-and-greet is over, a young aide trots into the drenching rain to follow up. To help McAuliffe gain sensitivity on the autism question, Kirkland suggests he drop by her son's classroom, or even come to her house and babysit little Jimmy. The idea of Terry McAuliffe babysitting an autistic child seems a patently bad one. But, in keeping with his boss's limitless spirit, the aide replies that this is "not outside the realm of possibility."

*Eve Fairbanks*

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## The Things They Carried

*Scenes from the Gaza border.*

*Tze'elim, Southern Israel*

I'm not supposed to be here. This vast training base near the Gaza border where thousands of reservists are preparing for battle is off-limits to the press. Still, everyone in Israel knows someone, and my travelling companion knows a senior army commander who's willing to break the rules. "Just say you're my friends," says the commander, who picks us up in his car near the gate.

The commander, whom I'll call Shmulik, is eager to slip us in. He wants us to meet his men, to tell the world the truth about Israel's soldiers. Tomorrow morning, he says, they're crossing into Gaza. "And you have to see them. They want to go in. Not because they like war; but because they believe there is no other way. Many of them are family men, some with newborn babies." Words don't come easily to him, but he wants us to understand: Young Israelis are as idealistic as any generation this country has produced. Perhaps more so. In today's less ideological Israel, virtually anyone who wants to can evade military service, especially reserve duty.

I ask Shmulik whether he thinks the army should press on. "We've done enough devastation inside Gaza," he says. "We've made our point. Now we should pull out. We will say that if you continue shelling our towns we'll come in and do worse." He returns to silence. He doesn't want to continue this discussion, not on the night he's preparing his men for war.

In the tent camp, there is no shouting or rushing about. Reservists clean their guns, load trucks, form circles for final briefings. I'm not used to such quiet among so many Israelis.

No rockets have fallen on this base, notes Shmulik. "Here we are, right on the border. But they're not interested in hitting soldiers, only civilians."

As we enter a tent, a soldier warns, "Get ready for the smell, it's infantry." No one salutes Shmulik, who is greeted by his first name. The reservists are packing: They will be carrying at least 30 kilos on their backs. A soldier crams snacks into his backpack: "Battle rations," he says.

One religious soldier shows us how he's squeezed phylacteries into a small pouch. "There's no room for a prayer shawl," he says, "but one of us will bring one in for everyone." An architecture student with a Mohawk haircut says, "I just want this to be over. If we're going in, let's go in already and get out."

Outside, at a picnic table, a group of reservists, some wearing woolen caps against the night chill, are engaged in a venerable IDF ritual: boiling Turkish coffee in a *finjan*, a small tin pot. They offer us shot glasses filled with coffee. Some of them are students, some work in high tech. A young man with a shaved head joins us. "He's from the CIA," someone says. "Chef In Action," the guy with the shaved head explains the joke. He is in fact a chef in one of Tel Aviv's up-and-coming restaurants. "We hear the food there is nothing to get excited about," someone says. "Not like what we get here."

A large young man introduces himself in English: an immigrant from Canada. A friend of his prods, "Tell them about your daughter."

"She was born three weeks ago," says the Canadian immigrant. "She's in an incubator." He shows me her photograph on his cell phone.

His friend says, "The army gave him a choice, he didn't have to come here."

This is the first generation of Israelis without leaders. There is no one to inspire them, no one with moral credibility to urge them to sacrifice. Instead of David Ben-Gurion and Menachem Begin, there's Ehud Olmert. But it doesn't matter.

I recall a song, "A Night of Love with Civilians," written by the late balladeer Meir Ariel, a paratrooper who fought in the battle for Jerusalem



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in the Six Day War. In the song, the paratroopers are embraced by Jerusalem residents just before the battle begins: "A shut-down street, its lights extinguished/ but its heart opened/with drinks and sandwiches/in the hours before." These reservists, though, want to feed us. Have some potato chips, they insist, another coffee. They want to reassure us, emissaries of the home front: Don't worry, it will be okay.

My traveling companion raises his shot glass. "Should we toast to a victory party?" he asks.

"We don't have victory parties," someone says.

A Russian immigrant whom the others have dubbed "KGB" approaches the group. "I have the sniper bullets," he says.

"Bad sign," someone says, laughing. "That means we're definitely going in."

"Why couldn't we just continue bombing by air?" says a reservist from Tel Aviv.

"We wouldn't have to be going in," counters a religious soldier, "if we'd responded when they first started firing rockets."

On the table are piles of snacks sent by grade-school children, along with their letters. "To the soldiers of the IDF, look after yourselves," reads one. Another letter, filled with spelling mistakes, ends with this: "P.S. I don't want to worry you, but I want you to know and to prepare yourselves that in another three months Iran will finish building an atom bomb to wipe the land of Israel from the map."

Israel has known excruciating moments of self-doubt, even during war, but this isn't one of them. Many Israelis feel anguished about Gaza's suffering, but few feel apologetic. And Israelis have no patience for those critics unable to separate sympathy for Gaza's victims with political conclusions that only strengthen the jihadists most responsible for Gaza's suffering. Israel's left-wing Meretz party has managed, as of this writing, to bring all of 1,000 demonstrators into the streets. And even Meretz supported the first week's air offensive. One reason for the consensus is the unilateral withdrawal from Gaza in 2005. At that time, Israeli leaders reassured skeptics that, if terrorists attacked over the international border, the IDF would have the moral legitimacy to return to Gaza. After thousands of missiles have fallen over the last three years, the IDF has belatedly done just that. The left knows its credibility is being tested: If Israel can't defend Beersheva and Ashdod from the 1967 border with Gaza, it won't be able to defend Tel Aviv and Jerusalem from the 1967 border with the West Bank. And, if

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Israel is unable to stop the missiles from Gaza, there will be very little public support for further withdrawals.

Still, there are doubts about the war. All week, I've been arguing with myself: Maybe it's time to stop, when our deterrence has been restored—when we convey self-confidence to the Middle East, precisely as we're doing now. Why play into the hands of the terrorists, who are waiting for us in booby-trapped houses and schools and mosques? And, if we topple Hamas, what then? Renewed occupation of Gaza? Handing it back to the ineffectual Mahmoud Abbas, who would be then accused of being an Israeli collaborator?

But there's a counterargument that occurs to me only now: If our soldiers are ready to fight, to "go all the way," as a reservist puts it, and topple the genocidal regime on our border, that motivation shouldn't be taken for granted. How many times can we disrupt the lives of reservists and expect them to fight without ambivalence?

It's time to go. Unwillingly, I recall another song, "Reservists' Concert," by Ehud Banai, in which he performs for soldiers on the front and imagines them dead: "And here they come without bodies / bright like the splendor of Heaven." I linger on the handshakes, look at each of the young men carefully, trying to memorize their faces.

Two days later, on the front page of *Maariv*, there's a photograph of the architecture student with the Mohawk, sitting with his friends in Gaza, smiling and pointing toward the camera. Most of the men, who look exhausted, wear helmets, but not the student: His haircut wasn't meant to be pressed under a helmet.

*Yossi Klein Halevi*

## Parting Shots

*Will the Gaza War usher in a two-state solution?*

For many years, these were the terms in which the Israeli-Palestinian conflict was widely understood: The Palestinians were struggling for partition, while Israel was the reluctant party. On the surface, Israel's invasion of Gaza might appear to confirm that dynamic. But, in fact, the opposite is true: Israel's current war in Gaza could turn out to be a necessary step toward imposing a two-state solution on a Palestinian side that has long balked at partition.

We are back, it seems, at square one. In 1947, Zionists accepted the United Nations's partition plan because it would secure an area with a Jewish majority. Palestinians rejected it for much the same reason: If the land were not divided, they would have a clear Arab majority in all of it. While it is true that the idea of Greater Israel held appeal for many Israelis in the decades following the Six Day War, a solid majority in Israel turned toward partition in 1993 when it committed to the Oslo framework. In return for peace, Israel was ready to give up the vast majority of the West Bank and Gaza. Then came what Israelis understood to be the moment of truth: Camp David in 2000. Israeli Prime Minister Ehud Barak offered an almost full withdrawal from the occupied territories, including a division of Jerusalem. Yasir Arafat rejected the offer. There would be no deal, he insisted, without the right of return. Israelis knew the code: The right of return meant millions of Palestinians naturalized on the Israeli side of the divide. It was a plain, ringing "no" to partition.

Gradually, Israelis, or a great many of them, began to realize that history was repeating itself: As in 1947, the Palestinian leadership seemed determined to hold out for a single state—nominally a binational one—in which Jews would constitute a minority. Still, this took a while to sink in. In 2003, Labor's Amram Mitzna ran on a platform of unilateral withdrawal and was trounced by Likud's Ariel Sharon. Yet, two years later, Sharon implemented the very policy he had defeated in that election. The unilateral evacuation of Gaza was considered a success—and the polls predicted a clear victory for Sharon's new party, Kadima, which was poised to continue the same policy in the West Bank. The party won the election, despite Sharon's lapse into a coma. Ehud Olmert became prime minister. Olmert was adamant about the need for unilateral withdrawal and made clear that he would move the dividing line closer to the 1967 border than Sharon would have. At this point, full partition seemed right around the corner.

But Qassam rockets kept coming from Gaza, despite its liberation from the Israeli occupation. The Lebanon War of 2006, when Israel was unable to stop the barrage of Hezbollah shells in the north, reinforced the danger such rockets posed. Suddenly, many former supporters of the Gaza pullout were no longer sure about withdrawing from the West Bank. Wouldn't such a pullout mean rockets fired on Tel Aviv, Jerusalem, and Israel's international airport, they wondered? The once-promising idea of unilateral withdrawal now seemed like an untenable risk.

And that is where things stood on the eve of the Gaza operation: The Palestinian Authority had managed to block partition by agreement, while Hamas had managed to block partition by unilateral withdrawal. The Israeli incursion into Gaza offers a way around this impasse. By stopping the rockets once and for all, the war could represent a step toward assuring Israelis that, following a West Bank pullout, the whole country would not turn into one big Sderot. In other words, the war may be an opportunity to create the circumstances needed for further withdrawals and, ultimately, complete partition.

Of course, this is not what Israelis—and Israel's politicians—are talking about at the moment. The question of the West Bank is on the back burner now, and stopping the rockets from Gaza is, to be sure, an end in itself. Moreover, while stopping the rockets is a necessary condition for any future West Bank pullout, it is probably no longer a sufficient one. The long

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spell of shelling in Sderot has rekindled the sense of national claustrophobia that is always present beneath the surface in this small state, surrounded as it is by a hostile region. It will take a while for that claustrophobia—on which the hawkish Likud may soon ride to power—to recede. Even when it does, Israel will likely want some international guarantees against rockets in the West Bank before it contemplates withdrawing to the 1967 borders.

Still, most Israelis know that a two-state solution is vital to their country's survival in the long run. Meanwhile, the rockets have only strengthened their suspicion that Palestinian leaders are bent on thwarting partition. As a result, once the smoke clears, unilateral withdrawal will again be the order of the day. And the war, if it succeeds, will have removed a sizeable obstacle on the road to partition. That could be its true significance.

GADI TAUB

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## Stringer Theory

*Joe the Plumber and the future of foreign correspondents.*

EARLIER THIS MONTH, Joe the Plumber Wurzelbacher—last seen serving as the third wheel on John McCain and Sarah Palin's increasingly disastrous blind date—traded in his toilet jack for a handheld microphone and traveled to the Middle East to become a foreign correspondent covering the Israel-Hamas war for the conservative website *Pajamas Media*. Alas, he wasn't terribly impressed with his new colleagues. "I think media should be abolished from, you know, reporting," Wurzelbacher said in the Israeli city of Sderot, where he was, from all appearances, reporting. "You know, war is hell. And if you're gonna sit there and say, 'Well, look at this atrocity,' well you don't know the whole story behind it half the time, so I think the media should have no business in it."

Thousands of miles away from Sderot, Charlie Sennott, a former foreign correspondent himself who once covered the Israeli-Palestinian conflict for *The Boston Globe*, returned the favor. "I have no interest in what Joe the Plumber has to say about Israel," Sennott said one recent morning, as he sat in his office overlooking Boston Harbor. "Joe the Plumber doesn't know Israel. Joe the Plumber shouldn't be reporting in Israel." It was the first day that Sennott's new journalism venture, a website devoted to international news called *GlobalPost*, was available to readers, so it was understandable that the prospect of Wurzelbacher's amateur hour getting more traffic than Sennott's professional operation might leave him feeling a bit churlish. "That's the silly shite of the Internet that we don't want to have anything to do with," said Sennott, who, with his burly build, dark hair, and blue eyes, looks (and talks) like the Boston Irishman he is.

Indeed, with *GlobalPost*, Sennott is poised either to give new life to foreign reporting, or to put the final nail in its coffin. That's because, as it stands now, U.S. newspapers, magazines, and TV networks seem to be in tacit agreement with Joe the Plumber: As they shutter their foreign bureaus and pay less and less attention to international news, they too think that the press should be abolished from reporting—at least, overseas. According to media analyst Andrew Tyndall, the three nightly network news shows devoted a record low number of minutes to foreign news in 2008; meanwhile, only four U.S. newspapers now have foreign desks. It's enough to make normally hard-bitten hacks a bit misty. "The era of perks, school feels, rent subsidies, unlimited travel, moves to different posts every three, four years—gone like the woolly mammoth," lamented Josh Hammer, a former foreign correspondent for *Newsweek* (and frequent TNR contributor) who's now covering Germany for *GlobalPost*. Sennott himself has been a victim of this retrenchment. He took a buyout and left the *Globe* last year, at the age of 45, after he realized his dream of eventually becoming its foreign editor was no longer possible—given that the paper had closed all of its foreign bureaus. "We're talking about men and women who really can write and really can report and have great skill and talent, and they need work," Sennott said of the foreign correspondent class. "Too often now, a freelancer will call up *The Philadelphia Inquirer* [to pitch a story], and it's like, there is no foreign editor. There's nowhere to go."

Sennott and his partner, the former TV executive Philip Balboni, speak of *GlobalPost* in the jargony language of Internet entrepreneurs, with the requisite mentions of the long tail and crowdsourcing and Web 2.0. They've found 14 private investors who have contributed $8.2 million to their venture; they hope to raise an additional $1.8 million near the end of the year. And, with revenue from advertising, syndication deals (the *New York Daily News* has already signed up to use *GlobalPost*'s correspondents), and subscriptions for premium content, they project *GlobalPost* will begin turning a profit by the end of 2011. "As we grow stronger and develop the quality of our content," Balboni said, "the economy will be strengthening at the same time. I think there's a good synergy there." But, as much as *GlobalPost* is about making money, it's also about tossing foundering foreign correspondents a lifeline. It has so far recruited 65 journalists in 46 countries—including refugees from *Time*, CNN, National Public Radio, and the Associated Press—offering them five-year contracts at $12,000 per year, plus shares in the company, in exchange for an 800-word dispatch each week. It's not full-time work—"We'll just be a part of their portfolios," Sennott said—but it's something. Sennott's hope is that, with so few other outlets at their disposal, the foreign correspondents will give *GlobalPost* more than what's asked of them. "What we're trying to do," he explained, "is say, 'We're here, we're all ears, you got an idea, we want to run it. We want as much as you can give us.' "

Of course, even *GlobalPost* may have its limits. As Sennott sat at his desk and tooled around his publication's hours-old website, he came to a fun story about the credit crunch's ruinous effects on British professional soccer. It was by the talented London-based foreign correspondent Michael Goldfarb, who, until a few years ago, had a full-time gig with a U.S. public radio station. ("I refused to believe that someone with my C.V. would be out of work for long," Goldfarb recently wrote in an e-mail. "I am extremely happy to have the opportunity to get back in the game.") If *GlobalPost* was going to devote bandwidth to British soccer, did that mean it would do the same for other foreign sports? Sennott was quick with his answer. "We will never cover cricket," he vowed. But then he thought better of his pledge, perhaps realizing that, at this point, no one working in international news can afford to be too choosy. "We may try to explain cricket," he backpedaled. "It's a very important global phenomenon. I don't want to diss cricket. We will cover cricket as the expression of an empire and what that means today. We'll do it from a different angle. We're trying to cut across these boundaries."

JASON ZENGERLE



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# Crimson Tide

*How Harvard beat Yale in the Democratic Party.*

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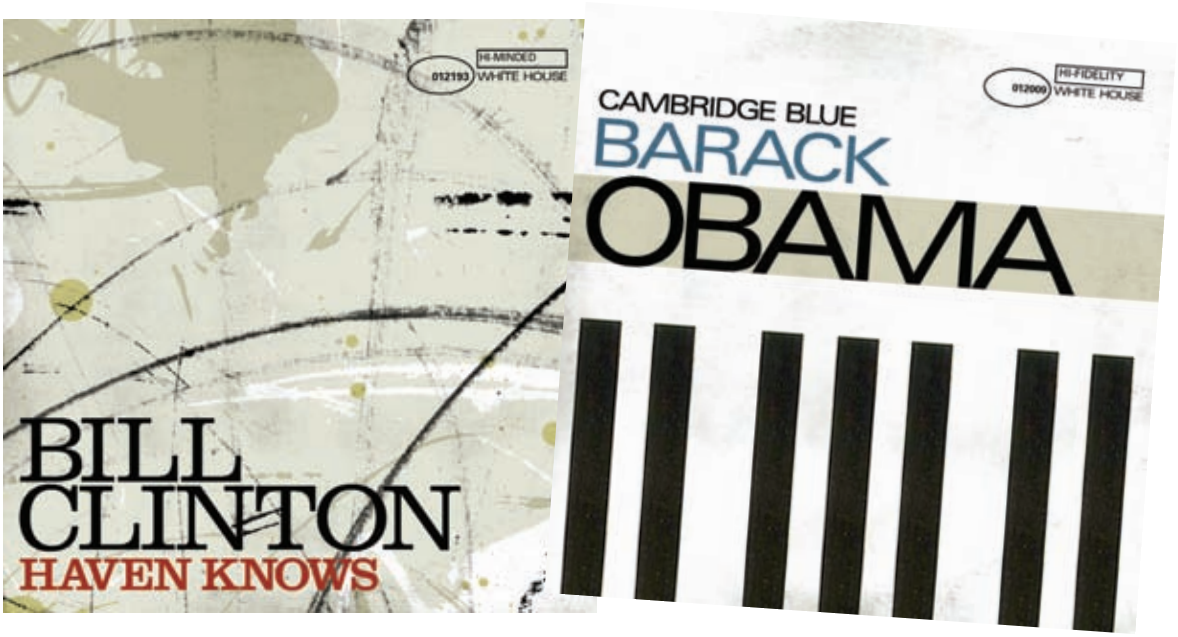


If a transition tells you something about a president's style—if not his chances of success—then Bill Clinton and Barack Obama could hardly be more different. Clinton was often at his worst as president-elect. Key rules were overlooked (Hillary spent weeks flirting with a cabinet job before learning that anti-nepotism laws precluded it) and key setbacks were self-inflicted (gays-in-the-military shot up Clinton's to-do list after an offhand comment to Andrea Mitchell). Clinton spent so much time assembling his cabinet that he only had three weeks to hire senior White House staff. All in all, the process betrayed a stunning disregard for Washington protocol. Which was how the Clintons wanted it. Hillary had decreed that no Washington insider would get a job that could be filled by a friend or loyalist.

Obama's transition was a contrast in almost every respect. His political decisions were free of sentiment or ego (who else would grant Joe Lieberman a reprieve?). His tactical maneuvering bespoke a reverence for Washington institutions (which is how GOP moderates like Olympia Snowe found themselves bathed in presidential attention). He rolled out his team with brutal efficiency and stocked it with Beltway know-how. Even his public pronouncements were strikingly spare. In December of 1992, Clinton staged a two-day, 20-hour economic summit, every minute of it broadcast on C-SPAN. In late 2008, Obama briefly fielded questions after closed-door meetings while his brain trust looked on sternly.

What accounts for these differences? There's no doubt a characterological component—Obama's self-control is nearly inhuman, Clinton's is famously lacking. But part of the explanation also lies in the elite institutions that socialized them—namely Harvard and Yale, their respective law schools. The two schools stand on opposite sides of a cultural chasm in the academic world. Even more than that, they stand for different theories of governing.

Lanny Davis, the former Clinton White House aide and law school classmate of Bill and Hillary, likes to tell a story about his first day of property class at Yale. The professor, Charles Reich, asked students to write down the words "fee simple" and briefly explained the concept. Then, after a long pause, he instructed the students to drop their pens. "OK everybody, this is the last time you'll ever hear me talk about 'fee simple' or anything else that Harvard Law School teaches. The new title for this course is, 'The intellectual, moral, ethical, and



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political implications of property ownership in America.'"

Reich was an extreme case, to be sure. He'd authored the counterculture manifesto *The Greening of America* and had a pedagogical style to match his shaggy hair and ratty jeans. But, at Yale, he was not *such* an outlier. Whereas Harvard prided itself on instilling discipline, Yale believed its mission was to unlock students' innate brilliance in an atmosphere of freedom, intimacy, and intellectual ferment. Harvard was, in certain respects, a three-year hazing ritual. Yale was more like a three-year Renaissance Weekend. Its graduates had been reassured of their éclat from the moment they set foot on campus.

Perhaps not surprisingly, Yale's heterodox style was what attracted Clinton in the first place. As biographer David Maraniss has observed, Clinton hewed to two criteria in selecting a law school: that it be prestigious, and that it let him get a jump on his political career. "Nowhere could this be done more surely than at Yale," writes Maraniss. Clinton spent his first two-and-a-half months in law school more or less out of law school, working as an operative for a liberal U.S. Senate candidate. When the campaign ended, he threw himself at the mercy of the first sympathetic classmate he could find, a woman named Nancy Bekavac. Maraniss recounts the exchange:

> "Hi, I'm Bill Clinton. Can I borrow your notes?"
> "For what?"
> "For everything."
> "Are you in our class?"
> "Yes, ma'am."
> "Well, where the hell've you been? We've been here since September!"

Bekavac soon relented—partly because of Clinton's charm, partly because Clinton was hardly unique. One classmate spent all three years working full-time for the mayor's office in New York City. Another was so burnt out by political work when he got to Yale that it was a year and a half before he showed up to class.

By the time Clinton showed up himself, he would have found it a less than harrowing experience. Harvard students spent their first year in massive lecture halls puzzling over obscure court decisions. Yalies spent much of their first year in cozy seminar rooms debating the Western world's prevailing legal institutions. (Yale's class of roughly 200 was about one-third the typical Harvard class.) The future Yale dean, Guido Calabresi, ran his torts course as an inquiry into the public policy benefits of risk-spreading. The criminal-law professor Joe Goldstein was constantly prodding his students for more rational ways to punish violent offenders.

And that's when the students actually took law classes. The law school awarded credit for any graduate-level course in the entire university. The actor and commentator Ben Stein, a fellow alumnus, took a course from The New Republic's own Stanley Kauffmann—a giant of film criticism, but rather a dilettante on the law of contracts.

Though Yale had its share of more orthodox faculty, students tended to resist them, often with impunity. Stein recalls in a 1996 *Washingtonian* article how two classmates literally blew smoke—from cigars—at a criminal-law professor they found tedious. Stein had his own showdown with an antitrust professor named Gordon Spivack. Spivack employed the traditional Socratic approach, meaning he'd randomly select a student to state the facts of a case, then answer a series of questions intended to highlight the underlying legal issues (and, many students felt, to tie them in knots). When Stein's turn came, he protested that he'd had enough of Spivack's "hiding the ball and the whole Socratic method." Spivack demanded his name, to which he replied, "Stein, but you can call me Benjy." For good measure, he threatened to disrobe if Spivack persisted. Stein traces his selection as class valedictorian (an honor bestowed by popular vote) to this rebellion.

Spivack later decamped for a white-shoe firm in Manhattan. The traditionalists who stayed reconciled themselves to this brave new world of student entitlement. In the fall of 1968, the students held a referendum on the school's grading system, which they rejected by the Castro-esque margin of 15 to one. (One typical refrain: "Abolish Grades! Remember—Richard Nixon was third in his class at Duke Law School!") The faculty dutifully obliged, voting over winter break to make first-semester courses pass/fail. When students of J. William Moore, the brilliant but fastidious expert on civil procedure, returned for their second semester, they expected feedback on their exams. Instead, Moore simply turned to the class and shrugged, "This is a tough country club to get into. But, once you're in, you're in. You all passed."

As president, Clinton was everything you'd want from a good Yale Law student: creative, deep-thinking, engrossed by public policy. But his White House was chaotic and its ambition often outstripped its knowledge (think health care reform). At Yale, Clinton once began a corporate law exam half an hour late because it was open book and he didn't have the text. And still he did shockingly well on it. It's not a bad metaphor for his entire administration.

The only hint as to why Obama chose Harvard over other elite law schools is a small biographical detail: When applying, Obama reportedly declined to identify his race so as not to gain any advantage. One imagines the twentysomething Obama hungry to test himself with the most epic challenge possible. It's certainly the way he conducted himself upon enrolling. Biographer David Mendell notes that Obama quickly claimed a place in the law school library and planted himself there each day for hours.

Some of the most vivid images of Harvard Law School come care of Scott Turow, the legal-thriller writer who attended in the mid-1970s and published a memoir of his first year called *One L*. The Harvard that Turow describes is a forbidding and savagely competitive place. It features huge, anonymous classes (the Socratic method having been invented there, allegedly as a way to turn a profit by teaching en masse); students who hoard precious volumes in the library; professors who brave slush and snow outdoors rather than share a tunnel with students. Exam time is its own unique horror show—a flurry of outline-making and book-devouring in which weeks-long, 16-hour-per-day regimens are typical.

Turow got an inkling of what awaited on his first day of his contracts class, when the much-feared Professor Perini set his sights on a student named Karlin. (Turow uses pseudonyms, but his account is nonfictional.) To Turow's surprise, Karlin held his own while Perini spewed forth a series of trick questions, stopping only to make the odd joke or menacing gesture. But Turow's heart sank when someone said Karlin had spent the summer reading Perini's "hornbook"—a dense supplementary volume.

Harvard was by all accounts a less stodgy and more humane place when Obama arrived some 15 years later. Beginning in the late '70s, the faculty had undergone a decade-long evolution that made it a hotbed of "Critical Legal Studies" (CLS). The "Crits" applied a kind of Marxist analysis to the law, arguing that seemingly neutral rules had been erected by elites to preserve their social



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and economic privileges. The students, too, had become much more activist-minded. They'd occupy the dean's office with gleeful regularity to protest, say, the lack of faculty diversity. Even the curriculum had begun to change. For decades, each first-year class had been divided into four "sections" of 130 to 140 students, who shared a single set of courses and professors. In the '80s, Harvard made one of the sections "experimental," which helped students see connections between subject matters and exposed them to other perspectives, such as economic analysis of the law.

And yet Harvard hadn't changed *that* much. The competition remained intense. The sections were still enormous and, for the most part, highly impersonal. (One day in Professor Kathleen Sullivan's class, a student took an absent classmate's seat upon finding a large coffee dispenser in his own chair. Sullivan, who prided herself on memorizing her classroom roster, promptly whiffed on the displaced student's name.) Many professors still faithfully practiced the Socratic method. In a long *GQ* feature from the early '90s, John Sedgwick described how some campus radicals would tone down their answering-machine greetings and class up their attire when the big corporate firms came to town. "L.A. Law"—was there a more bourgeois show on television?—was wildly popular among students, who'd gather to watch and point out plot holes.

As it happened, Obama's first-year section was the most conventionally taught of the bunch. "We felt as if we had the hardest, worst, most inflexible section," says a former classmate, David Dante Troutt. "We felt like a control group in the presence of folks receiving the revolutionary new drug." This atmosphere sometimes brought out the worst in the class: Contracts professor Ian Macneil once arranged a meeting to discuss a line in his textbook some had complained was sexist; the students spent most of the hour pumping him for exam information.

It's not that Obama's professors discouraged policy discussions; they just focused them tightly around the legal issues at hand. Suppose you'd sued a contractor for shoddy repair work, then amended your complaint to cover more repairs. A relevant discussion might be whether the new complaint runs afoul of the statute of limitations—since it was filed later—or why such statutes even exist. An irrelevant consideration, jokes David Shapiro, Obama's well-liked civil procedure professor, is "whether the massacre of Armenians in Turkey was a genocide." Early on, he says, students "want to bring in their own life experiences in ways that are in themselves interesting, but which don't have much to do with what we're talking about." Shapiro's job was to rid them of that habit. This is the kind of thing people mean when they say "thinking like a lawyer."

The orthodoxy of Obama's first year coincided with a decline in the Crits' influence after a bruising tenure battle the previous summer. Obama would have shed few tears. A classmate remembers him constantly pleading with Roberto Unger, a CLS ringleader who taught an upper-level course, to "bring the theorizing back down to earth." In *The Audacity of Hope*, Obama recalls worrying that Harvard "represented the abandonment of my youthful ideals, a concession to the hard realities of money and power—the world as it is rather than the world as it should be." But a part of him believed accepting these realities was central to making progress.

Obama excelled at Harvard, graduating magna cum laude and, of course, making law review along the way. At Yale, law review conferred little prestige. Anyone interested in joining could submit a short article. (The process isn't much more intense today.) At Harvard, hundreds competed for a few dozen spots on the basis of grades and a several-day-long exam covering legal writing, editing, and style rules.

The law review attracted students of all ideological stripes. But, by disposition, they were invariably the most square. One testament to this was a law-review institution known as the "outline closet," which housed detailed notes on almost every class. The outlines were believed to possess mystical grade-boosting powers and were passed down from one generation to the next. It was, of course, forbidden to share them with the law school lumpenproletariat. (The Crits may not have been right in their analysis of the law, but they were clearly onto something about law review.)

The review elected its president by way of a paleo-reality show, in which the full membership eliminated candidates through several rounds of voting until only the winner remained. The process could easily run ten or twelve hours and was rife with intrigue. The other finalist Obama's year was a fellow liberal named David Goldberg. As the now familiar story goes, the conservative faction threw its support behind Obama, whom they thought would at least hear them out.

If the law review was a college of cardinals within the law school, then its president was the pope. And overseeing him was a secular god named Erwin Griswold. Griswold had served as dean of the law school for 20 years beginning in the 1940s. He'd taken particular interest in the law review, and his influence over the institution far outlived his deanship. Until his death in 1994, Griswold expected the president to send him the new issue by the tenth of each month with a letter distilling its contents. Within a few days, the dean would send back a detailed critique—a so-called "Grizzer-gram"—opining on the merits of the articles. The president was to take scrupulous note of Griswold's likes and dislikes.

Succeeding at these tasks offered great rewards. A president who earned the Grizzer's imprimatur would be a lock for a Supreme Court clerkship. But the stress this placed on generations of law-review presidents could be oppressive. (Dan Kahan, who ran the law review two years before Obama, actually developed an ulcer.) Many would go to extravagant lengths to appease their patron. If, for example, an issue was running late, they might construct a special issue (circulation: one), which they'd send Griswold while finishing the real thing.

Obama was hardly a law-review zealot. Unlike his colleagues, he maintained a life outside Gannett House, the review's iconic building. But he had an abiding respect for law-review custom. He once spent hours adjudicating a vicious internal debate over whether a colleague could publish in a rival journal, a violation of protocol. Month in and month out, he'd pen a letter to Griswold, then have Griswold's response posted in the law review's main room.

But what Obama's law-review presidency mostly demonstrates is that he'd absorbed the dispassionate, conservative, relentlessly logical mode of analysis a Harvard legal education was meant to convey—and which was the hallmark of his mostly tidy transition. Midway through that year, a colleague named Scott Siff was struggling through what seemed like his twenty-seventh draft of an article on international law. Siff felt each successive edit had made the piece more left-wing, until it had become a screed about how federal courts were trampling human rights. Finally Obama weighed in and politely suggested it had gone off the rails. "Barack pushed it way back to center," Siff recalls. "He said, 'You've gone so far left you're not going to be credible. . . . You have to approach it in a more balanced way—in a way that doesn't alienate everyone.'" ◆



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# A Man for All Seasons

*The misunderstood John Maynard Keynes.*

JOHN B. JUDIS

When the economy goes south, one name invariably surfaces on the lips of pundits and economists: John Maynard Keynes. That is because the twentieth century's greatest economist is generally associated with the idea that markets require government intervention in order to function properly. During boom times, when the market seems to be working, no one has any use for Keynes's skepticism toward unrestrained capitalism. But, during recessions—when the economy grinds to a halt and Washington suddenly looks like the only thing that can save it—Keynes invariably enjoys a revival. The current economic crisis, our country's worst since the Great Depression, is no exception. Everyone, it seems, has spent the past months rediscovering Keynes.

But the tendency only to turn to Keynes for technical advice in bad times doesn't really do justice to his worldview. Keynes's ideas were not just a prescription for an ailing economy; they were a complete theory of capitalism, one meant to be relevant in both good times and bad. They were also more than just an economic program; his ideas about capitalism—spelled out most thoroughly in his 1936 work, *The General Theory of Employment, Interest, and Money*—were developed in tandem with his political philosophy. Keynes saw each as bound up with the other. "The most pressing reforms which are economically sound do not, as perhaps they did in earlier days, point away from the ideal," Keynes wrote in 1932. "On the contrary, they point toward it." Keynes, in other words, was interested in more than manipulating the levers of policy to keep economies thriving. He was interested in how economics intersects with political questions of equality and fairness and justice.

This fall, the Bush administration and the incoming Obama administration have had to confront not just narrow technical questions about budget deficits, interest rates, tax cuts, and savings, but also broader political questions about the proper relationship between government and the economy. Without our realizing or anticipating it, the entire panoply of concerns that Keynes faced in the 1930s has come back to us. Turning to him for answers is therefore an understandable, and wise, move—but only if we treat his ideas as what they are: not quick-fix steps for a battered market but long-term principles for creating a functional and just economy.

Keynes, the son of a Cambridge don and of the town's first female mayor, entered Cambridge University in 1902 during what turned out to be the twilight of the British empire. British industry was being challenged by German and American rivals, but unemployment hovered around 5 percent—virtually full employment. This appeared to confirm the theory—which Keynes learned from Cambridge economist Alfred Marshall—that market economies reach a natural equilibrium of supply and demand at full employment.

Like his parents and other members of what was called the "educated bourgeoisie," Keynes was a loyal member of Britain's Liberal Party. Once advocates of political reform and laissez-faire individualism, the Liberals had, by the early twentieth century, embraced an agenda that called for government to alleviate the externalities of capitalism through programs like social security and unemployment insurance. They were similar in outlook to many pre–New Deal American progressives.

As Robert Skidelsky makes clear in his masterful three-volume biography, Keynes was a "new Liberal"—but with Bloomsbury's aesthetic idealism and disdain for vulgar capitalism thrown in. "I want to mould a society in which most of the existing inequalities and causes of inequality are removed," he declared. He initially thought this could be accomplished through classical economics. But, in the 1920s, he decided otherwise.

In the wake of demobilization after World War I, Britain had suffered a steep recession and unemployment climbed above 15 percent. According to classical theory, the economy should have eventually returned to a full-employment equilibrium—which is what Keynes expected would happen. But it didn't. Instead, the unemployment rate hovered around 10 percent for the rest of the decade, then shot above 20 percent after the Great Depression hit Britain in 1930.

Moreover, the remedies suggested by classical economics—wage cuts, balanced budgets, and the gold standard—simply made things worse. Not only did unemployment rise, but social unrest spread. In 1926, an attempt to cut miners' wages led to a general strike. Keynes sympathized with the strikers whom

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he saw as "victims of cruel economic forces which *they* never set in motion."

Over the next decade, Keynes attempted to devise policies that would restore full employment—and a new theory of capitalism to back them up. He argued that market economies, if left to their own devices, could reach equilibrium at well below full employment. This challenge to classical economics rested on his reinterpretation of the relationship among three core economic activities—investment, savings, and consumption.

According to classical theory, if unemployment were to rise, consumption would decline, but savings would increase. The increase in savings would lead to lower interest rates, which would lead to greater investment, which would lead to the restoration of jobs—in short, back to full employment. But Keynes rejected this logic. During a recession, lost jobs and wage cuts would lead to a reduction in consumer demand, which meant less incentive for businesses to invest and banks to loan. And, if businesses—skeptical about the rate of return from an investment—failed to invest, more workers would lose their jobs, consumption would decline even further, national income would go down, and any initial increase in savings would be wiped out. The economy would reach equilibrium with a high number of unemployed, which is exactly what happened in Great Britain in the 1920s and 1930s.

Keynes's theory inverted the relationship between savings and investment. Instead of the amount of savings determining the amount of investment, the amount of investment determined the amount of savings. It also inverted the relationship between consumption and savings. If the inducement to invest was determined at least partly by consumer demand, then the greater the propensity to consume rather than save, the greater the inducement to invest. Consuming, in short, was preferable to saving.

These two inversions had radical implications for government policy. In the past, governments had advocated budget cuts and tax increases, along with wage cuts and lower interest rates, to escape recessions; Keynes was arguing that, except for lower interest rates, these measures made matters worse. And, in a severe recession or depression, when pessimism about future business profits made lenders reluctant to finance investment, even government attempts to lower interest rates wouldn't help. What was needed instead? Budget deficits, rather than budget balancing, and public investment and income transfer programs designed to put money in the pockets of the poor—that is, the people most likely to spend, not save it.

As Keynes began developing his new economics during the 1920s, he also forged a new political outlook. Earlier, party leaders—and Keynes himself—had trumpeted the "new liberalism" as a middle ground between Tory free-market conservatism and Labour socialism. But, in the articles he wrote in the late 1920s, Keynes shifted left, advocating policies that "constructive thinkers in the Liberal party" and "constructive thinkers in the Labour party" could support. These ideas, reflecting his newfound enthusiasm for government intervention in the market, took him well beyond "new liberalism."

Keynes called for "the deliberate regulation from the center in all kinds of spheres of action where the individual is absolutely powerless left to himself." He advocated government regulation of private as well as public investment through a new National Investment Board. He wanted government to set workers' wages and hours. He recommended that private corporations be ruled by two-tier boards, with the top tier containing employees' representatives—and that employees share in ownership and have their pay tied to profitability. He favored the nationalization of the Bank of England, but not firms or banks, which he preferred the government to regulate rather than to run or own.

He eschewed the militant anti-capitalist rhetoric of the Labour left, but he also recognized that what he was proposing was actually to the left of much of the Labour Party. "I am sure that I am less conservative in my inclinations than the average Labour party voter," Keynes wrote. In an odd way, he was even to the left of the party's self-proclaimed Marxists like John Strachey and Harold Laski who, because they didn't think capitalism could be reformed, were unable to advance any practical remedies to challenge the Tories' laissez-faire approach.

Keynes scorned these "catastrophists" in the Labour Party. He also despised Soviet communism. And he had a low opinion of Marx's economics. "My feelings about *Das Kapital* are the same as my feelings about the *Koran*," Keynes wrote Bernard Shaw in 1934. But he was sympathetic to the Fabian socialism of Shaw, H.G. Wells, and Sidney and Beatrice Webb, which had influenced the Labour Party.

After 1931, Keynes abandoned everyday politics and the sparkling style of his essays to write *The General Theory*. But that book, while a dry economic treatise, was also an eloquent statement of his political philosophy. "I expect to see the State, which is in a position to calculate the marginal efficiency of capital-goods on long views and on the basis of general social advantage, taking an ever greater responsibility for directly organizing investment," Keynes wrote. He argued that "a somewhat comprehensive socialization of investment will prove the only means of securing an approximation to full employment." He didn't say exactly what he meant by "socialization of investment," but it seemed to represent an attempt to bring socialist principles and a concern with "general social advantage" to bear *within* capitalism.

In 1939, Keynes described his political approach as "liberal socialism." "The question," he wrote, "is whether we are prepared to move out of the nineteenth century laissez-faire state into an era of liberal socialism, by which I mean a system where we can act as an organized community for common purposes and to promote social and economic justice, whilst respecting and protecting the individual—his freedom of choice, his faith, his mind, and its expression, his enterprise and his property." Keynes envisioned not just a society with full employment and economic growth, but also one that sought to eliminate poverty and afforded the educated classes time to spend on the kind of artistic pursuits that he and his Bloomsbury friends had favored. He wanted to use technical, economic means to achieve moral ends.

Keynes died in 1946. In the decades that followed, much of the debate surrounding his ideas came to hinge on a single question: Did his theories apply to all modern, capitalist economies—or were his ideas relevant only to dire circumstances like those that prevailed during the Great Depression? Keynes himself, of course, believed the former. He argued that, after World War I, Britain and the United States had entered a new "epoch" of mature capitalism in which the continued pursuit of laissez-faire policies would lead away from full employment. Unemployment, Keynes wrote in *The General Theory*, is "inevitably associated with present-day capitalistic individualism."

Not surprisingly, the opposite view—that Keynes's economics were applicable only to a specific historical moment—was mostly advanced by conservatives. But, in the 1990s, when it seemed like capitalism had entered a new period of



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uninterrupted growth and full employment, liberals in the United States and Britain began writing Keynes off as well. In *Prospect*, a British journal identified with Tony Blair's New Labour, political scientist David Marquand declared in 2001 that Keynes's theory "was a system for the age of Fordist mass production, with its giant plants, giant unions and 'sticky' wages, not forever."

So who was right? Did Keynes's theories accurately describe the economies that took shape in the decades after his death? Keynes believed that mature economies would be defined by several features—features which, if left unaddressed, would tend to push them toward high unemployment. One of these was the advent of labor-saving technology, typified by factory electrification in the 1920s. This new technology made it possible for core goods industries to increase their output dramatically while reducing their workforce. "We are being afflicted with a new disease . . . *technological unemployment*," Keynes wrote in 1930. "This means unemployment due to our discovery of means of economizing the use of labor outrunning the pace at which we can find new uses for labor."

There were, of course, ways out of this dilemma. The most likely recourse, Keynes wrote, was that capitalism would find new outlets in "the field of human services." But, as it turned out, services like health care often had to be sustained by government investments and subsidies. The other recourse was that new areas of capital investment could arise—from weapons production and the development of a commercial aircraft industry to computer technology and the Internet. These new areas could also lead to a burst of employment, but they frequently depended on public investment.

Another feature of mature economies, according to Keynes, was that rising standards of living would reduce the marginal propensity to consume. The wealthier a household, the less likely it was to spend most of its income immediately. So in the absence of, say, redistributive tax policies and income transfer programs, a mature economy would likely suffer from an excess of savings over consumption. That would cause a reduction in demand, discourage investment, and lead to unemployment.

The history of Western capitalism after World War II largely confirms Keynes's ideas about mature capitalist economies. By the 1950s, most Western European countries were enjoying full employment. But that was primarily the result of the substantial new investment needed to rebuild war-torn economies. Capitalism had to start over—to remature. Once Western Europe fully recovered, its unemployment rates began to rise, reflecting the tendency Keynes had described.

*U.S. Treasury Secretary Henry Morgenthau Jr. (left) and John Maynard Keynes at Bretton Woods in 1944.*

ALFRED EISENSTAEDT/TIME & LIFE PICTURES/GETTY IMAGES



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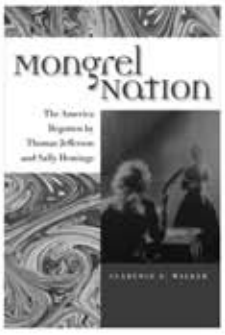
Developments on our side of the Atlantic also gave credence to Keynes's theories. Post–World War II demobilization and the reduction of the defense budget contributed to a recession in 1948. And, for the next 25 years, defense spending played a large role in keeping the wolf of chronic unemployment at bay. But, after defense production began to decline in the early 1970s, unemployment began rising. It would not drop below 5 percent until 1997, when the economy was buoyed by a boom in a growing area of investment: computers and telecommunications.

These innovations, of course, initially brought new employment and higher productivity. As Keynes would have foretold, however, the boom did not solve the problem of unemployment forever. The growth of these industries eventually reached a point of diminishing returns in new jobs. In the early 2000s, employment began to drop—falling by 33 percent over the last eight years—in companies making computer and electronic products, even as output increased. These declines might have led to a prolonged recession but were offset by the huge budget deficits of the Bush years and the housing bubble. When the bubble burst, though, unemployment returned. The wolf was again at the door. And just as they had during previous downturns, Americans belatedly began rediscovering Keynes—even as many of them failed to notice that the problems he long ago identified had never really gone away, but were lurking in their economy all along.

All of which raises the question: If Keynes's economic analysis is applicable in both good times and bad, and if his related political philosophy was designed to take account of issues like fairness and justice that are *always* relevant, why did we ignore so many of his recommendations for so long? The answer has to do with American skepticism of government, reinforced by a powerful coalition in Washington of Republicans and business lobbyists. This coalition balked at carrying out anything but the most attenuated version of Keynes's policies—and Democrats bowed to its wishes. To remove any hint of socialism, Republican and Democratic administrations created an unwholesome stew of Keynesian liberalism and business conservatism. The result has been policies that temporarily lifted the country out of recession but left it more divided economically and prone to more serious downturns.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The most important tool that Keynes recommended for overcoming unemployment was public investment. It enjoyed what Keynes's associate Richard Kahn called a "multiplier." Public investment in a new hospital, say, creates jobs and income not only for construction workers, but for the people and businesses that service the workers. Conservatives and big business, however, have objected to public investment—for instance, in high-speed rail or solar paneling—that would strengthen government's hand in dealing with an industry or compete with private industry. It's socialism, they say—and, in Keynes's terms, it is.

Next on the list of Keynesian tools are government programs that redistribute income from the well-to-do (who have the least propensity to consume) to the poor (who have the most). As John McCain demonstrated during the presidential campaign, such redistributionist programs can also easily be denounced as socialism.

A less controversial, though still effective, tool for combating chronic unemployment is low interest rates. But it can be rendered useless during the kind of downturn Japan suffered in the 1990s and the United States is suffering today, when businesses can see only losses and banks only defaults on the economic horizon.

That leaves, finally, tax cuts. These arouse the most enthusiasm among Republicans and business, but are the least effective means of combating unemployment. The bulk of income tax cuts usually doesn't accrue to the people with the highest propensity to consume. Moreover, in the post-1971 era of yawning trade deficits, what is consumed is often imported. That may help employment in Japan or China, but not in the United States.

If you look at America's periodic experimentation with Keynesian policy, it has been guided from the beginning by a determination to avoid any measures that might be described as socialist. It began with what was later called "military Keynesianism"—defense spending being one kind of public investment that was politically safe. But it has increasingly centered on tax cuts. Kennedy's vaunted experiment with Keynesianism consisted of tax cuts. So did Ronald Reagan's and George W. Bush's. Whatever benefits these stimuli provided in the short term, over the long run, they have exacerbated the potential for chronic unemployment by widening income disparities and reducing the overall propensity to consume. A complete reading of Keynes would have counseled a very different approach. But that has never been the way Americans treated Keynes. Until, perhaps, now.

As Barack Obama takes office, he enjoys a great opportunity. Historically, it has often taken wars or depressions to win support for major economic reforms. Crisis, at least in American history, has generally been the precondition for significant change.

Obama also has a decided advantage over Franklin Roosevelt, the last Democrat who took office during a major downturn. Roosevelt could count on the willingness of the American public to accept radical experiments, and on the weakness of a business class discredited by scandal, but to a great extent he didn't know what to do with the power he had. In the early 1930s, Keynes's ideas were barely known, and, even later, they had to vie with classical approaches for FDR's attention. In 1937, Roosevelt, unsure of his economics, actually went back to a classical approach and erased whatever gains he had made in easing unemployment. Obama—whose chief economic adviser Larry Summers is the nephew of Paul Samuelson, a founding father of American Keynesianism—will know better than to start raising taxes or cutting spending to reduce unemployment.

Still, Obama faces extraordinary challenges in trying to implement a true Keynesian approach. Keynes recognized that a balanced and stable international monetary system—not subject to currency speculation or plagued by large trade surpluses and deficits—was a precondition for implementing his domestic agenda. He spent his last years trying to devise such a system—and some of his ideas were reflected in the Bretton Woods agreement. But Bretton Woods collapsed in 1971, leaving an imbalanced and unstable system that places limits on what a president can do. Presidents Ford and Carter discovered these limits in the 1970s when inflation, fueled by oil price shocks, blocked them from using deficits to bring down unemployment. Obama faces similar limits. He has to rely on foreign purchasers, particularly from China and Japan, to buy the bonds to finance America's large budget and trade deficits. If they balk at buying U.S. Treasury bills, interest rates will go up, creating still another obstacle to domestic investment; yet the United States cannot escape this downturn without running huge deficits. In short, Obama is going to have to focus on reforming global as well as American capitalism.

Obama will also need to venture into some areas that Keynes contemplated but previous administrations have avoided. In subsidizing banks and industries, for instance, Obama will have to concern himself with workers' wages—should a worker at Ford make more than a worker at Honda?—and exorbitant CEO salaries. And he is likely to consider proposals to include workers or public representatives on corporate boards of companies that the Treasury subsidizes or owns a stake in.

Moreover, Obama will need to venture into areas that Keynes did not anticipate. Keynes did not foresee government deciding which industries to subsidize. Government, he wrote in *The General Theory*, should be concerned with "determining the volume, not the direction, of actual employment." But facing the threat of global warming, finite oil supplies, and a large trade deficit, Obama will have to make decisions about the direction, as well as the volume, of domestic investment. He is going to have to pick winners and losers. Which industries will aid in reducing greenhouse emissions? Which will reduce the country's dependence on oil? And which will help reduce America's trade deficit? Obama won't be able to avoid these kinds of choices. Wittingly or not, he will be putting government in a position to shape private capitalism according to "general social advantage."

Of course, there will be objections from the GOP and business—both of which are weakened, but neither of which has lost all its clout in Washington. If Obama heeds these protests and fails to act boldly, he and the country could suffer the same fate as the Labour Party and Britain did in the 1930s. Labour took office in 1929 on the cusp of the Great Depression, but, as unemployment grew, it ignored Keynes's warnings and held back on public spending. In 1931, Labour was defeated at the polls, and didn't return to power again until 1945. Britain suffered under incompetent Tory leadership during much of the 1930s.

Disheartened over these developments, Keynes wrote in 1932 that Labour Party leaders "differed from the leaders of other parties chiefly in being more willing to do or to risk things which in their hearts they have believed to be economically unsound." That epitaph could certainly describe previous Democratic administrations, which borrowed selectively, and fitfully, from Keynes while ignoring his larger insights. Will Obama make the same mistake? Or will he become the first American president to finally, after 70 years, give the theories of John Maynard Keynes a full try? ◆



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# Only Makes You Stronger

*Why the recession revived America.*

WALTER RUSSELL MEAD

Even before the Panic of 2008 sent financial markets into turmoil and launched what looks like the worst global recession in decades, talk of American decline was omnipresent. In the long term, the United States faces the rise of Asia and the looming fiscal problems posed by Medicare and other entitlement programs. In the short term, there is a sense that, after eight years of George W. Bush, the world, full of disdain for our way of life, seems to be spinning out of our—and perhaps anybody's—control. The financial panic simply brought all that simmering anxiety to a boil, and the consensus now seems to be that the United States isn't just in danger of decline, but in the full throes of it—the beginning of a "post-American" world.

Perhaps—but the long history of capitalism suggests another possibility. After all, capitalism has seen a steady procession of economic crises and panics, from the seventeenth-century Tulip Bubble in the Netherlands and the Stop of the Exchequer under Charles II in England through the Mississippi and South Sea bubbles of the early eighteenth century, on through the crises associated with the Napoleonic wars and the spectacular economic crashes that repeatedly wrought havoc and devastation to millions throughout the nineteenth century. The panics of 1837, 1857, 1873, 1893, and 1907 were especially severe, culminating in the Great Crash of 1929, which set off a depression that would not end until World War II. The series of crises continued after the war, and the last generation has seen the Penn Central bankruptcy in 1970, the first Arab oil crisis of 1973, the Third World debt crisis of 1982, the S&L crisis, the Asian crisis of 1997, the bursting of the dot-com bubble in 2001, and today's global financial meltdown.

And yet, this relentless series of crises has not disrupted the rise of a global capitalist system, centered first on the power of the United Kingdom and then, since World War II, on the power of the United States. After more than 300 years, it seems reasonable to conclude that financial and economic crises do not, by themselves, threaten either the international capitalist system or the special role within it of leading capitalist powers like the United Kingdom and the United States. If anything, the opposite seems true—that financial crises in some way *sustain* Anglophone power and capitalist development.

Indeed, many critics of both capitalism and the "Anglo-Saxons" who practice it so aggressively have pointed to what seems to be a perverse relationship between such crises and the consolidation of the "core" capitalist economies against the impoverished periphery. Marx noted that financial crises remorselessly crushed weaker companies, allowing the most successful and ruthless capitalists to cement their domination of the system. For dependency theorists like Raul Prebisch, crises served a similar function in the international system, helping stronger countries marginalize and impoverish developing ones.

Setting aside the flaws in both these overarching theories of capitalism, this analysis of economic crises is fundamentally sound—and especially relevant to the current meltdown. Cataloguing the early losses from the financial crisis, it's hard not to conclude that the central capitalist nations will weather the storm far better than those not so central. Emerging markets have been hit harder by the financial crisis than developed ones as investors around the world seek the safe haven provided by U.S. Treasury bills, and commodity-producing economies have suffered extraordinary shocks as commodity prices crashed from their record, boom-time highs. Countries like Russia, Venezuela, and Iran, which hoped to use oil revenue to mount a serious political challenge to American power and the existing world order, face serious new constraints. Vladimir Putin, Hugo Chávez, and Mahmoud Ahmadinejad must now spend less time planning big international moves and think a little bit harder about domestic stability. Far from being the last nail in America's coffin, the financial crisis may actually resuscitate U.S. power relative to its rivals.

The biggest loser of the financial crisis thus far seems to have been Russia, a country that stormed into 2008 breathing fire and boasting of its renewed great-power status. After years of military decline, it put its strategic bombers back in the air; sent its fleet to the Caribbean; and reintroduced displays of martial power to Kremlin parades. Petrodollars filled government coffers, and political dissent at home had largely disappeared. Russia's troubles had been eased by the effective suppression of the Chechen insurgency, while America's troubles remained severe, with the U.S. military mired in two wars. When its troops invaded Georgia, Russia seemed once again to be acting like a great power—and not a very nice one.

But the Georgian invasion may have been the high point of Putin's "New Russia" rather than a portent of things to come. Historically, Russian power has rested on four legs. Its immense agricultural territory made it a granary of Europe. Timber, fur, and other products gave Russia a profitable niche in world trade. Its enormous territory, stretching from the remote steppes of Asia well into Europe, brought it into the heart of continental politics. Its enormous population—as recently as 1989, greater than that of the United States—gave it awesome military potential.

Today, a much-diminished Russia cannot realistically aspire to fill the shoes of czarist Russia, much less those of the Soviet Union. In Europe, the post–cold war loss of the Baltic republics, most of Georgia, Armenia, Azerbaijan, and above all Ukraine has pushed Russia back to its boundaries at the time of Ivan the Terrible, leaving Russia shorn of half its population and most of its agricultural potential. Now Russia is struggling, with only partial success, simply to maintain its Soviet-era infrastructure and educational system, unable to build the base for a modern economy. Pushed from the center to the far fringes of European geography, lagging well behind Western norms in economic and social productivity, and challenged by the rising powers to its east, Russia retains only shards of the power potential that once made it a credible rival of the United States.



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It was in this context that the financial crisis hit last fall. The Georgia invasion itself had already spooked foreign and domestic investors into pulling their money out of Russia. That capital flight only accelerated as the price of oil and gas fell by more than two-thirds. Soon it became apparent that Russia's vaunted economic recovery rested on little more than the high price of petrochemicals. In 2007, oil, fuel, and gas exports accounted for 65 percent of Russia's export revenues. With its currency falling, its export earnings crashing, and its foreign exchange reserves melting away, an increasingly cash-strapped Russian state now faces enormous difficulties in maintaining its military spending.

The assertive foreign policy propounded by Putin and Dmitry Medvedev was presented as the consequence of a rising Russia; in actuality, it was a high-stakes bluff by a ruling elite which knows that its power base continues to erode. During Bush's second term, Russia had a rare opportunity: The prices of oil and gas were rising; the United States was, apparently, bogged down in a losing war in Iraq and needed Russian help at the Security Council to deal with Iran; and the gap between Europe and the United States was wider than at any time since World War II. With the future looking bleak, Russia chose to assert itself at this moment of maximum strength.

But now the Russian economy looks shakier than ever; foreign investors have lost faith in the country's legal and financial systems; Washington has drawn closer to European capitals; the United States appears headed for an honorable and timely exit from the war in Iraq; and rising European concern over Iran may enable the United States to address its nuclear program without Russian support at the United Nations. The fall in oil prices, Chávez's own political troubles at home, and the economic troubles in Cuba make the Russian fleet's presence in the Caribbean a curiosity rather than a threat of any kind. Russia has or can develop additional opportunities, perhaps in Ukraine, but its weak economic base and dismal future prospects suggest that the natural limits of its power are easily reached. The much touted "Russian renaissance" is likely to be counted a casualty of the Panic of 2008.

The damage to China's position is more subtle. The crisis has not—yet—led to the nightmare scenario that China-watchers fear: a recession or slowdown producing the kind of social unrest that could challenge the government. That may still come to pass—the recent economic news from China has been consistently worse than most experts predicted—but, even if the worst case is avoided, the financial crisis has nevertheless had significant effects. For one thing, it has reminded China that its growth remains dependent on the health of the U.S. economy. For another, it has shown that China's modernization is likely to be long, dangerous, and complex rather than fast and sweet, as some assumed.

In the lead-up to last summer's Beijing Olympics, talk of a Chinese bid to challenge America's global position reached fever pitch, and the inexorable rise of China is one reason why so many commentators are fretting about the "post-American era." But suggestions that China could grow at, say, 10 percent annually for the next 30 years were already looking premature before the economic downturn. (In late 2007, the World Bank slashed its estimate of China's GDP by 40 percent, citing inaccuracies in the methods used to calculate purchasing power parity.) And the financial crisis makes it certain that China's growth is likely to be much slower during some of those years. Already exports are falling, unemployment is rising, and the Shanghai stock market is down about 60 percent.

At the same time, Beijing will have to devote more resources and more attention to stabilizing Chinese society, building a national health care system, providing a social security net, and caring for an aging population, which, thanks to the one-child policy, will need massive help from the government to support itself in old age. Doing so will leave China fewer resources for military build-ups and foreign adventures. As the crisis has forcefully reminded Americans, creating and regulating a functional and flexible financial system is difficult. Every other country in the world has experienced significant financial crises while building such systems, and China is unlikely to be an exception.

All this means that China's rise looks increasingly like a gradual process. A deceleration in China's long-term growth rate would postpone indefinitely the date when China could emerge as a peer competitor to the United States. The present global distribution of power could be changing slowly, if at all.

The greatest danger both to U.S.-China relations and to American power itself is probably not that China will rise too far, too fast; it is that the current crisis might end China's growth miracle. In the worst-case scenario, the turmoil in the international economy will plunge China into a major economic downturn. The Chinese financial system will implode as loans to both state and private enterprises go bad. Millions or even tens of millions of Chinese will be unemployed in a country without an effective social safety net. The collapse of asset bubbles in the stock and property markets will wipe out the savings of a generation of the Chinese middle class. The political consequences could include dangerous unrest—and a bitter climate of anti-foreign feeling that blames others for China's woes. (Think of Weimar Germany, when both Nazi and communist politicians blamed the West for Germany's economic travails.) Worse, instability could lead to a vicious cycle, as nervous investors moved their money out of the country, further slowing growth and, in turn, fomenting ever-greater bitterness. Thanks to a generation of rapid economic growth, China has so far been able to manage the stresses and conflicts of modernization and change; nobody knows what will happen if the growth stops.

India's future is also a question. Support for global integration is a fairly recent development in India, and many serious Indians remain skeptical of it. While India's 60-year-old democratic system has resisted many shocks, a deep economic recession in a country where mass poverty and even hunger are still major concerns could undermine political order, long-term growth, and India's attitude toward the United States and global economic integration. The violent Naxalite insurrection plaguing a significant swath of the country could get worse; religious extremism among both Hindus and Muslims could further polarize Indian politics; and India's economic miracle could be nipped in the bud.

If current market turmoil seriously damaged the performance and prospects of India and China, the current crisis could join the Great Depression in the list of economic events that changed history, even if the recessions in the West are relatively short and mild. The United States should stand ready to assist Chinese and Indian financial authorities on an emergency basis—and work very hard to help both countries escape or at least weather any economic downturn. It may test the political will of the Obama administration, but the United States must avoid a protectionist response to the economic

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slowdown. U.S. moves to limit market access for Chinese and Indian producers could poison relations for years. For billions of people in nuclear-armed countries to emerge from this crisis believing either that the United States was indifferent to their well-being or that it had profited from their distress could damage U.S. foreign policy far more severely than any mistake made by George W. Bush.

It's not just the great powers whose trajectories have been affected by the crash. Lesser powers like Saudi Arabia and Iran also face new constraints. The crisis has strengthened the U.S. position in the Middle East as falling oil prices reduce Iranian influence and increase the dependence of the oil sheikdoms on U.S. protection. Success in Iraq—however late, however undeserved, however limited—had already improved the Obama administration's prospects for addressing regional crises. Now, the collapse in oil prices has put the Iranian regime on the defensive. The annual inflation rate rose above 29 percent last September, up from about 17 percent in 2007, according to Iran's Bank Markazi. Economists forecast that Iran's real GDP growth will drop markedly in the coming months as stagnating oil revenues and the continued global economic downturn force the government to rein in its expansionary fiscal policy.

All this has weakened Ahmadinejad at home and Iran abroad. Iranian officials must balance the relative merits of support for allies like Hamas, Hezbollah, and Syria against domestic needs, while international sanctions and other diplomatic sticks have been made more painful and Western carrots (like trade opportunities) have become more attractive. Meanwhile, Saudi Arabia and other oil states have become more dependent on the United States for protection against Iran, and they have fewer resources to fund religious extremism as they use diminished oil revenues to support basic domestic spending and development goals. None of this makes the Middle East an easy target for U.S. diplomacy, but thanks in part to the economic crisis, the incoming administration has the chance to try some new ideas and to enter negotiations with Iran (and Syria) from a position of enhanced strength.

Every crisis is different, but there seem to be reasons why, over time, financial crises on balance reinforce rather than undermine the world position of the leading capitalist countries. Since capitalism first emerged in early modern Europe, the ability to exploit the advantages of rapid economic development has been a key factor in international competition. Countries that can encourage—or at least allow and sustain—the change, dislocation, upheaval, and pain that capitalism often involves, while providing their tumultuous market societies with appropriate regulatory and legal frameworks, grow swiftly. They produce cutting-edge technologies that translate into military and economic power. They are able to invest in education, making their workforces ever more productive. They typically develop liberal political institutions and cultural norms that value, or at least tolerate, dissent and that allow people of different political and religious viewpoints to collaborate on a vast social project of modernization—and to maintain political stability in the face of accelerating social and economic change. The vast productive capacity of leading capitalist powers gives them the ability to project influence around the world and, to some degree, to remake the world to suit their own interests and preferences. This is what the United Kingdom and the United States have done in past centuries, and what other capitalist powers like France, Germany, and Japan have done to a lesser extent. In these countries, the social forces that support the idea of a competitive market economy within an appropriately liberal legal and political framework are relatively strong.

But, in many other countries where capitalism rubs people the wrong way, this is not the case. On either side of the Atlantic, for example, the Latin world is often drawn to anti-capitalist movements and rulers on both the right and the left. Russia, too, has never really taken to capitalism and liberal society—whether during the time of the czars, the commissars, or the post–cold war leaders who so signally failed to build a stable, open system of liberal democratic capitalism even as many former Warsaw Pact nations were making rapid transitions. Partly as a result of these internal cultural pressures, and partly because, in much of the world, capitalism has appeared as an unwelcome interloper, imposed by foreign forces and shaped to fit foreign rather than domestic interests and preferences, many countries are only half-heartedly capitalist. When crisis strikes, they are quick to decide that capitalism is a failure and look for alternatives.

So far, such half-hearted experiments not only have failed to work; they have left the societies that have tried them in a progressively worse position, farther behind the front-runners as time goes by. Argentina has lost ground to Chile; Russian development has fallen farther behind that of the Baltic states and Central Europe. Frequently, the crisis has weakened the power of the merchants, industrialists, financiers, and professionals who want to develop a liberal capitalist society integrated into the world. Crisis can also strengthen the hand of religious extremists, populist radicals, or authoritarian traditionalists who are determined to resist liberal capitalist society for a variety of reasons. Meanwhile, the companies and banks based in these societies are often less established and more vulnerable to the consequences of a financial crisis than more established firms in wealthier societies.

As a result, developing countries and countries where capitalism has relatively recent and shallow roots tend to suffer greater economic and political damage when crisis strikes—as, inevitably, it does. And, consequently, financial crises often reinforce rather than challenge the global distribution of power and wealth. This may be happening yet again.

None of which means that we can just sit back and enjoy the recession. History may suggest that financial crises actually help capitalist great powers maintain their leads—but it has other, less reassuring messages as well. If financial crises have been a normal part of life during the 300-year rise of the liberal capitalist system under the Anglophone powers, so has war. The wars of the League of Augsburg and the Spanish Succession; the Seven Years War; the American Revolution; the Napoleonic Wars; the two World Wars; the cold war: The list of wars is almost as long as the list of financial crises.

Bad economic times can breed wars. Europe was a pretty peaceful place in 1928, but the Depression poisoned German public opinion and helped bring Adolf Hitler to power. If the current crisis turns into a depression, what rough beasts might start slouching toward Moscow, Karachi, Beijing, or New Delhi to be born?

The United States may not, yet, decline, but, if we can't get the world economy back on track, we may still have to fight. ◆

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## Stanley Kauffmann on Films

# GUIDING SPIRITS

Yet again, and again impressive, comes a film with a nonprofessional cast. Like such recent pictures as *Ballast*, *The Pool*, and *August Evening*, all of which gloried in film's power to transform sincerity into art, *Silent Light* presents people who have not been actors but who have committed themselves with their entire beings. But *Silent Light* is markedly different from comparable films. Almost all these people are Mennonites, most of whom live in Mexico.

Germanic in origin and still German-speaking, the people of this Protestant sect descend from forebears who emigrated to Canada in 1873 and then, because of prejudice against them during and after World War I, moved to Mexico in 1922. Almost 100,000 Mennonites now form communities in Mexico, and *Silent Light* is set in one of them. They can speak Spanish, of course, but amongst themselves they speak Platt-dietsch, a German dialect. *Silent Light* has double subtitles. Below the picture is the English translation for us; above it is the Spanish version for Mexicans. This purely technical arrangement has a thematic effect: it affirms that these lives are ensconced—indeed, preserved—within other cultures.

The director, Carlos Reygadas, is a Mexican who has already attracted attention with two films, unseen by me, that were in reported ways sensational. Nothing could be less true of *Silent Light*. Here Reygadas dwells in a tiny universe that wants to keep its particularity, in its ethos even more than its social customs. Religion is of course the base of that ethos, but only at the end does it envelop the story.

What we see first is darkness, and we hear nothing. Then faintly we hear birds and a cow or two, and light begins to seep over the horizon as the sun rises. Soon, with great trees as warders, daylight brings farmland alive. Alexis Zabé's cinematography is exquisite throughout, but this sequence is virtuosic. I can't remember a previous sunrise to start a film other than David Watkin's work in *Catch-22* (1970), a comparison more fitting than it might seem at first. In the earlier film the serenity of nature arrives to reveal an Air Force base, not exactly a locus of peace. In *Silent Light* the contrast is much smaller, but for the people involved, it is equally grave. The majesty of the sun discloses family troubles.

***SILENT LIGHT***
*Palisades Pictures*

***CHERRY BLOSSOMS***
*Strand Releasing*

In the comfortable kitchen of his farmhouse, Johan is having breakfast with his wife Esther and their six children. A clock ticks. Even if the viewer knows nothing of the religious ambience of the place, this sequence, realistic as it is, seems somewhat abstract compared with other family breakfasts. Both the parents and the children behave as if they were responsible to some authority for their behavior, and not just because grace is said.

Yet through this nearly ritualized meal a tension seeps. When the children leave, Esther stands silently beside Johan for a moment and kisses him before she goes. He sits, thoughtful, troubled. He climbs on a chair and stops the clock—as if to halt a persistence. Then he goes about his farm work. He meets a friend, who knows and talks about what is troubling Johan. The farmer has fallen in love with another woman, Marianne, who is about his age, unmarried. He is as burdened as moved by this love. His friend gives him sympathy, but not in any sly winking way. Johan's burden is made even heavier because Esther knows, too, and, at least as of now, feels sympathy for her husband as much as anything else.

We soon meet Johan's father, a preacher, who has earlier recognized his son's condition. The father tries to console Johan by admitting that he went through a similar crisis when he was young. He recognizes in Johan the manner in which torments of feeling are constrained—painfully but, perhaps, hopefully—by the patterns of this community's life.

The story follows the troubles of Johan's situation, but in nothing like conventional triangle tales. Largely the semi-abstract sense continues: a film that is absolutely veristic in look moves before us as if it were being shown to us in distilled form. This is emphasized when at one point Johan and family visit a town center and the children watch somebody's television. The telecast pop singer's cheap wailing and the audience's rapture are like gashes in the film's texture—a vivid comment on facile emotion in the world outside and the temper of this community, where deep feelings are matters to be reckoned with deeply.

We see one sexual encounter, with minimal detail, between Johan and Marianne, who is as appealing and simple as Esther. She then tells him that, though she has invited this bedding, it must be their last. This is of no help to his internal roiling.

Internal it is. Only toward the end of the film do any of the actors really show strong feelings. Up to then we simply believe them. In fact, the film holds us precisely because the drama is both present and paradoxically private. Toward

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the end, however, both Marianne and especially Esther burst with feeling. This irruption leads to something that, in textural terms, is shocking.

Throughout the film, the texture suggests Reygadas's reverence for past film art. For instance, the ticking clock reminds us of Bergman; the use of environment to help realize the theme is sheer Bresson. Then, near the end, comes a startling homage to Dreyer. Reygadas calls up a miracle. Manifestly this idea was drawn from the end of Dreyer's *Ordet*, where a comparable miracle occurs. But from the start *Ordet* is explicitly about religion, and a miracle seems the apt conclusion. In *Silent Light* religion has always been implicit. The miracle here seems summoned.

Still, everything until then is so uncannily fine that we feel it nearly out of order, ungrateful, to cavil. The film rests firmly on Reygadas's evocation of bewildered quiet in Cornelio Wall Fehr (Johan) and Miriam Toews (Esther) and Maria Pankratz (Marianne). This result implies a communion between the director and his people that is in itself moving. *Silent Light* doesn't leave the viewer harrowed, as some great films on marital troubles have done. Yet it seems made of truth. Even that last shift of temper, the miracle, can ultimately be accepted almost as a concession to the characters' needs.

A slow dusk concludes this film that began with a slow dawn. Between the two daily phenomena, we have witnessed something like a modern version of a medieval mystery play. It puts before us the piercing of order by desire, a species of mortal accident that is shaking and terrible but that can clarify the very idea of order.

The German director Doris Dörrie also kneels to a film master of the past, Ozu. The central action of her new film *Cherry Blossoms* is taken from Ozu's sublime *Tokyo Story*. In Ozu a middle-aged couple in a small town decide to visit their children, most of whom live in Tokyo. The result of the parents' visit is an immersion in concepts of time and mortality that stay with the viewer forever. For Dörrie, a middle-aged couple in a German town decide to visit their children, most of whom live in Berlin. But Dörrie was wise to limit her borrowing. The nub was taken from the master, but she proceeds with different means and with a rhythm much more vernacular than Ozu's cosmic pulse.

Rudi and Trudi—yes, Dörrie's screenplay dares to use that pair of names—live in a town where he works in waste management. The film opens with a fact that presages much of the atmosphere to come. Trudi is in a doctor's office being given the dire results of Rudi's examination. Trudi does not tell him the bleak news: he never learns that he is a terminal case. (His present physical condition is unimpaired.) Trembling silently in her soul, Trudi suggests to him that they go on a trip—to visit their children in Berlin and even possibly a son who works in Tokyo.

The children in Berlin are attentive but knowingly so. (One of the events that the parents witness, which seems odd until later on, is some Butoh dancing—a Japanese art closely interwoven with the spiritual.) Then, by themselves, the parents visit the Baltic seaside, and there it is Trudi who dies—suddenly, of a heart attack. In time, Rudi goes on alone to Tokyo to visit their son, Karl. The son, who has a modest job and an apartment to match, is more or less pleased to welcome him. Karl is very busy, and Rudi makes his own way around the huge dizzying city—once even tying a kerchief to a railing as a marker to guide his return.

In a park Rudi sees a young woman dancing in costume, Butoh dancing. (A pattern clicks.) Rudi speaks with her later. She knows some English, as does he, and she conveys to Rudi that her dance is an attempt to communicate with her recently deceased mother. This quickly leads to a closeness with the bereaved Rudi. Affection grows between the two, purely paternal-filial, as this waste-management German official ventures into Butoh. (Dörrie has long been interested in things Japanese: possibly she sees a touch of humor as well as amplitude in the union of her culture and this one.)

In these last days of Rudi's life, a fact that he doesn't know until the finish, the company of the young dancer helps him to find new inquiries in himself. The ending of the film, aided by Butoh, crystallizes in a moment of beauty everything that had stirred in the lives of Rudi and Trudi since their trip began.

The structure of the film has a touch of the contrived; still, Dörrie sustains *Cherry Blossoms* with the conviction of her characters. Elmar Wepper is just complicated enough as Rudi, so that we can believe this ordinary man is at last exalted. Hannelore Elsner, as Trudi, has a face that we feel we have known and loved long before we first see her. Aya Irizuki more than suffices as the questing young dancer. At the last Dörrie reaches the particular success that she apparently wanted. Watching her film is like watching a poignant personal obeisance to the great themes that Ozu opened for her. ◆

## David Hajdu on Music
# POP WOMEN

If you're going to run around with peacocks, which is what people generally do in the pop-music business, you could have no better training than Lucinda Williams had at the age of five. Her father, the poet Miller Williams, taught college in Macon, Georgia during the late 1950s, and every two or three weeks he would take his daughter on a short drive to visit Flannery O'Connor, who loved peacocks—she had a small flock of them in her backyard and another flock in her writing. O'Connor let the little girl chase the magnificent, noisy birds, and Lucinda Williams would for the rest of her life carry a child's memory of the writer lady and her bizarre pets. After all, to have played with the peacocks in O'Connor's yard is kind of like having swatted butterflies at Nabokov's house.

***LUCINDA WILLIAMS***
*Little Honey*

***TAYLOR SWIFT***
*Fearless*

***BEYONCÉ***
*I Am . . . Sasha Fierce*

In her three decades as a singer and songwriter, Williams has lived among the preening, extravagantly colorful creatures of the pop world, and she has remained a species apart. She has never taken up the manic showing-off, the strutting and crowing and sexual baiting which have been standard practice for popular singers, male and female, for ages. She is famously smart and steel-willed, though she can seem, even after all her years of touring, a bit nervous on stage; and she has always been sexy, although her particular allure involves something more advanced and adult than baiting. Her music is profoundly womanly. Williams gives the impression that she would take you home in a blink, if she thought you wouldn't bore her, and that you would bore her if you haven't read Flannery



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O'Connor. Posing neither as hen nor as cock, Williams is a woman rare among pop stars for her unfeathered intelligence, untheatrical carnality, and uncompromising humanity.

Now fifty-five, more than twenty years older than O'Connor was on those afternoons in 1958, Williams is in the full bloom of her creative maturity. She recently released a new studio album, her ninth since 1979. Called *Little Honey*, it is a big-hearted record—buoyant but reflective, a statesmanlike work of rock-and-roll music appropriate to its artist's age. I have been playing it and enjoying it ever since I bought it early this winter, but I began fully to grasp how mature a work it is only after I uploaded the album onto my iPod, clicked "shuffle" while doing some puttering and heard one of the *Little Honey* tracks, "If Wishes Were Horses," play immediately after Taylor Swift's "Love Story," one of the hits from Swift's latest album, *Fearless*. Three or four songs after "If Wishes Were Horses," the iPod's random-choice logarithm served up a Beyoncé track. I clicked out of shuffle and sat down. Then I listened to the whole Swift album, and then to *Little Honey*, beginning to end, and then I played the latest Beyoncé release, the double-CD *I Am . . . Sasha Fierce*. (I couldn't sit through all eighteen tracks of the Beyoncé project, which is a kind of testament to it, since the music is not intended for sitting.)

A bit of imposed randomness helps to put Williams and her new work in proper perspective. It shows that *Little Honey* is an object lesson in how to be a grown woman in popular music—not merely a big girl or a bad girl, but a grown-up female person. The lesson is one of considerable (if not precisely equal) value to performers in all the realms of pop. Taylor Swift, the country star, who was nineteen when she released her second album in November, will have to learn this lesson soon—ideally, tomorrow morning. She is just about on the verge of being too big, in terms of both age and fame, to be playing a girl. And she could find the challenges of her near future enacted in the tracks of *I Am . . . Sasha Fierce*, in which we witness Beyoncé, at twenty-seven, going bipolar in an effort to establish a new "bad" image without abandoning a "good" one that, at her age, may no longer work so well.

Like Lucinda Williams in her fifties, Taylor Swift in her teens has made music that seems wholly suitable to her age—or, in Swift's case, her age as it is imagined, glorified, and diminished in the tradition of teen-oriented pop. Swift, who started playing guitar and singing before she reached her teens, released her first CD, a self-titled album of original songs, when she was sixteen. (One of the tunes, "The Outside," was a trunk piece that Swift had written when she was twelve.) The songs on both of her first two albums evoke a sweet and largely outdated dream vision, prettified and petrified, of teenage life. It is a world in which the fragile adolescent id lives and dies by the crush, a place where love is all and sex is trouble. Swift writes confessional pillow-book songs centered on the old-school high-school themes of romantic aspiration ("Forever & Always"), the fulfillment of that aspiration ("I'm Only Me When I'm with You"), inevitable broken-heartedness ("Teardrops on My Guitar"), and the cruelties of teen society ("The Outside," "Fifteen").

Sex, in the songs of Taylor Swift, is a secondary, though hardly incidental, effect of amorous attachment. It is neither the be-all that it is in most pop music nor the commonplace that it is in the rec rooms and cars where that music is played. The kids in Swift's songs don't hook up, like real young people; they dream about going out on dates together and becoming couples, and they fear breaking up, like Stephanie Meyer's characters but without the fangs. It is evident from her music that Swift was home-schooled. She doesn't seem to know what is going on in the junior highs of America—or, perhaps, she has a special understanding of some need on the part of her young audience to counterbalance the hyper-sexualization in contemporary teen life with a kind of hyper-romanticization in teen culture.

The latest hit from *Fearless* is a marvel of toothlessness called "Love Story," in which Swift retells *Romeo and Juliet* truly fearlessly, changing all the stuff about dying that the morbid original writer had in there. "I wrote this song because I could relate to the whole Romeo and Juliet thing," she explained to an interviewer. "I was really inspired by that story. Except for the ending. I feel like they had such promise, and they were so crazy for each other, and if that had just gone a little bit differently, it could have been the best love story ever told."

If positivity were a paramount measure of value, as Swift suggests it is, she would be the greatest American musical artist since Hannah Montana. Swift's music is uncommonly, irresistibly catchy—pop very much like soda, fizzy and bracing and so sweet that it makes you lightheaded and thirsty for more. I can enjoy what Swift does, the way I like a Pepsi in the afternoon. Her music can be faulted on multiple grounds—for its frivolity, its essential archaism, its denial of the coldly erotic, and of the tragic, in adolescent experience—but not on the grounds for which it is most frequently derided: for not being real country music. Both of Swift's full-length albums (she also released a Christmas EP better left unmentioned) qualify as country for reasons unrelated to their ritual, and largely gestural, use of Nashville musical clichés—a bit of bluegrassy fiddle, a dose of steel guitar near the bottom of the mix, and so on—the ingredients mandatory for the music to merit a country *hekhsher*. (Swift, who was born near Reading, Pennsylvania, and lived there until her early teens, when her parents moved to Tennessee for her career, has a hint of untraceable Southern color in her voice; and because Swift has actually lived in the South, her soft accent is considerably more convincing than the sketch-comedy twang that Bruce Springsteen somehow picked up on the Jersey Shore.)

The music that Swift makes is indisputably country in a Danto-ish way: it is music that country-music listeners listen to. It is pop, of course—but country music is, by tradition, pop. It is the popular music of audiences in rural and Southern communities, as well as in cities in the North, where radio listeners in the 1950s would pull in megawatt stations such as WWVA (out of Wheeling, West Virginia), and would, in their urban parochialism, mistake the country hits of the day for something ancient and primitive. Jimmie Rodgers and Hank Williams were pop stars in their time and place; and Williams adjusted his music, drawing more freely from Tin Pan Alley song structures and expanding his instrumentation, in a conscious effort to attract a broad national following. (On a recently issued boxed set of rare Williams radio broadcasts, *The Unreleased Recordings*, we can hear him playing western favorites with spare instrumentation for rural audiences at milking time, and the relative slickness of his better-known studio releases is striking by comparison.)

The unapologetic commercialism of Taylor Swift's music has roots as least as deep as the ostensible classicism of the Americana music movement that began to take form in the late 1970s and early 1980s, when Lucinda Williams was beginning to emerge as a singer and songwriter. By recategorizing music made in the vein of old-style country, the marketers of Americana sought to dissociate the work from Nashville and position



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it for a younger, broader audience, much as, a generation earlier, the record industry had replaced the established term "hillbilly music" with "country and western" to escape a set of limiting associations. Williams never fit the Americana label. While the recordings of her first decade were arranged and produced with an old-timey feel, Williams's best songs have always had the cryptic, antilinear unconventionality of mid-'60s Dylan, and she has always sung with a rocker's bite. Over the years Williams's music has steadily moved further and further from the anachronistic, faux-natural artifice of the Americana scene. She has created a category of her own, as original artists tend to do.

Swift may well know that she, too, has to grow up. She is already wrestling publicly with the meaning of that proposition. In concerts, Swift sometimes breaks from her original material and sings what may seem an unlikely choice for a cover selection: a song by Beyoncé (and a team of five of Beyoncé's songwriting collaborators) called "Irreplaceable." The tune, from Beyoncé's second solo album, *B'Day*, is a taunt to a soon-to-be-ex, a reminder of a once-favored's disposability. Swift strums the tune's chunky rhythm on her acoustic guitar, and she barks, in full voice, "I could have another you by tomorrow / Don't you ever for a second get to thinkin' you're irreplaceable."

How can a popular artist avoid being replaced, discarded, or forgotten, when popularity is essentially ephemeral? How can a girl singer not merely prevail, but also endure to do woman's work? Lucinda Williams could have been celebrating Taylor Swift's impenitent commercialism when she told an interviewer, in October of last year, that "I didn't want to make a video when everybody else was making videos. I didn't want to sell out. I was horrified at that. Over the years, I've gotten more confident. I'm not so worried about fans thinking I've sold out if I make a video or, God forbid, if I get on the cover of *Rolling Stone*." And Swift could have been describing the absurd repositioning strategy of Beyoncé's latest album when she said, last November, that "I think when people make a record with a goal in mind like taking it to the next level or making them seem more mature, that gets in the way of writing great songs."

At a career crossroads, Beyoncé has chosen to go both ways, splitting herself into two musical personalities: the good-girl sexpot we have come to know as Beyoncé, and a newly revealed alternate identity, a bad-girl sexpot called Sasha Fierce. I have not checked this, but I presume the latter name is licensed from a drag queen. The persona that Beyoncé has constructed for Sasha Fierce—a slithery, dolled-up parody of a club girl—would certainly make a fine drag act if it had a glimmer of self-awareness or irony. It has none. As Sasha Fierce, Beyoncé offers her body parts—she has always relied upon them—but barely flirts, and when she flirts, she never winks.

As Beyoncé explained in press materials for *I Am . . . Sasha Fierce*, the album is "about who I am underneath all the makeup, underneath the lights, and underneath all the exciting star drama." Fierce "takes over when it's time for me to work and when I'm on stage, this alter ego that I've created that kind of protects me and who I really am." Fierce is "the party girl, she's bootylicious. She is, but I'm not. She's my alter ego. I'm finally revealing who I am."

The music provides little in the way of further clarity. While the album is packaged to present two sides of Beyoncé, one on each of two discs (or sets of files for downloading), the songs are largely interchangeable. There are more ballads on the first half of the album, the Beyoncé part, though most of them are danceable; and there are more out-and-out dance tunes on the Sasha Fierce half, though Beyoncé sings them and the would-be ballads with the same lusty bravura. Lavish and proficient, sleek but utterly cynical, *I Am . . . Sasha Fierce* is a jittery expression of careerism passing for complexity, a dumb show of sex play posing as adult business, a lurching attempt at professional advancement in the name of growing up.

Among the themes of Lucinda Williams's recent songs are the vagaries of the pop-music industry and the daunting odds of survival in it. She has watched the peacocks come and go, dazzle and fold up their feathers. Three of the songs on *Little Honey* ("Little Rock Star," "Rarity," and "It's a Long Way to the Top," a cover of the AC/DC song) deal explicitly with musicians and the music business, and at least one more could easily be about a fallen singer ("Jailhouse Tears," a tune about self-destruction in the mode of Williams's earlier "Drunken Angel," which was about the Texas songwriter Blaze Foley). The surprise among them is the AC/DC number, a blustering anthem that Williams sings straight, without self-glorification or self-pity. The treasure is "Rarity," an aching eight-minute


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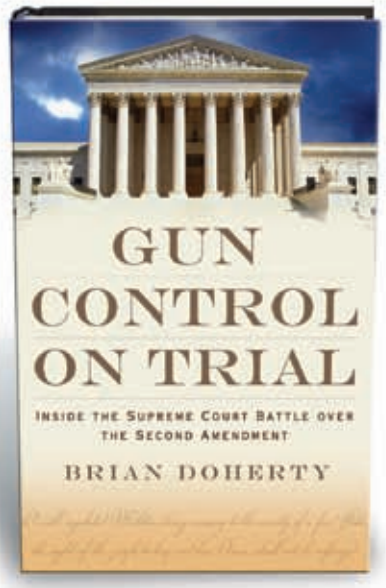


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message to a young woman with a musical gift, perhaps the singer's younger self. "They'll call you little honey," Williams sings in a dry hush.

And write you a check
Seduce you with money
And fuck your respect

'Cause you, you're a rarity
Your eyes say wisdom
Your skin says frailty
Your mouth says listen

Much of what Williams brings to bear on *Little Honey* speaks of wisdom, and little of it suggests frailty. Williams's voice, worn from hard use on the road (and abuse off-road), is a jagged instrument, not a weak one, and Williams wields it with casual surety.

After writing hundreds of tunes (and singing many more by other songwriters), Williams knows well how to work within the conventions of American vernacular music without slavish obedience to those conventions. The twelve original songs on *Little Honey* are precisely original enough to sound familiar and surprising. For instance, "Honey Bee," with its salty-sweet lyrics—"Oh, little honey bee, I'm so glad you stung me/Now I've got your honey all over my tummy"—has the retro sass of a Big Mama Thornton song, along with an almost punkish capacity to kick the listener's ass. One can only hope the song pops up on Taylor Swift's and Beyoncé's iPods. ◆

## Amartya Sen
# THE POWER OF A DECLARATION
*Making human rights real.*

Nineteen forty-eight may have begun as an unsettling year, with the assassination of Mahatma Gandhi in January, but it ended on a positive note, when the Universal Declaration of Human Rights was adopted by the General Assembly of the United Nations in December. There was a reasoned vision of lasting importance underlying the declaration; it was momentous in its time, and it remains important today. Invoking human rights has become a major way of challenging inequities and oppression in the contemporary world, and in this development the Universal Declaration of Human Rights at the fledgling United Nations sixty years ago, swayed not least by the leadership of Eleanor Roosevelt, has played an indisputably significant and astonishingly constructive role.

The proclamation was made in a rapidly changing world, with many worries in people's minds all over the globe. The old order, characterized by centuries of colonialism, was crumbling, but the memories of imperial repression were still fresh. World War II had just ended, but the consciousness of Nazi and fascist atrocities was still vivid. The Cold War was just beginning: the Berlin airlift started in 1948 just before the Universal Declaration was adopted. Auden's *The Age of Anxiety* was awarded the Pulitzer Prize in the same year, and its well-chosen title perfectly captured the uncertainty and the dread of the day (and immediately inspired a symphony for piano and orchestra by Leonard Bernstein, which in turn led to a ballet by Jerome Robbins).

The Universal Declaration of Human Rights correctly noted that "disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind." It went on to make the resolute affirmation that the world would henceforth stand up in defense of "the inherent dignity" and "the equal and inalienable rights of all members of the human family," identifying these rights as "the foundation of freedom, justice and peace in the world." The document was an expression of strong feeling and powerful conviction, but it also made a significant contribution to the world of ideas. It is important to examine the nature of its intellectual departure, and the general issue of the bearing of radical ideas on practical human affairs (an issue I have tried to analyze in a forthcoming book called *The Idea of Justice*). We have to ask how a collection of words, which were committee-drafted but inspired by a powerful idea, has made a difference to the deliberations and actions of people across the world.

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The Universal Declaration of Human Rights made its contribution to practical reason and global politics in four distinct ways. First, the Declaration took the firm view that human rights do not depend on legislation for recognition. People have these rights simply by virtue of being human. The contention here was that the acknowledgment of a human right is best seen not as a putative legal instrument, but as an important ethical demand—a demand that everyone should have certain freedoms irrespective of citizenship, nationality, and location. Such a recognition would lead to fresh legislation rather than await it. The Declaration championed the priority of morality to law. It constituted an open invitation to all to re-organize the world in such a way that the basic freedoms recognized as rights would actually be realized.

This understanding of human rights in pre-legal terms was in accord with the American Declaration of Independence, which had asserted in 1776 that it was "self-evident" that everyone had "certain inalienable rights." It was also in line with the French declaration, made thirteen years later in 1789, of "the rights of man" which similarly asserted that "men are born and remain free and equal in rights." Thus the U.N. Declaration has a long and venerable antecedence—but its non-legal view of rights had been persistently disputed, and even ridiculed, by those who believe that rights cannot have any meaning unless they are legally binding.

Jeremy Bentham dismissed the non-legal approach to rights almost immediately after the Declaration of the Rights of Man in 1789. In *Anarchical Fallacies*, written in 1791–1792, Bentham insisted that "natural rights is simple nonsense: natural and imprescriptible rights (an American phrase), rhetorical nonsense, nonsense upon stilts" (which, I assume, is some kind of artificially elevated nonsense). That dichotomy remains very alive today, and there are many commentators who regard the idea of human rights as no more than "bawling upon paper" (to use another of Bentham's derisive descriptions). In contrast, the U.N. Declaration is premised upon the rejection, implicitly but firmly, of such a view.

So what is the underlying argument here? Taking an exclusively legal view of rights, Bentham asserted that for a right to be "real," it had to be legislated. A right, he said, can only be a "child of law." This grants no room whatsoever for the public recognition of the

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importance of certain freedoms, and of the role of these ethically recognized freedoms and rights in providing motivation for fresh legislation. For if human rights are publicly supported claims that can contribute to the basis of legislation, then they function not as children of law, but rather as "parents of law."

The legitimacy of this way of understanding "moral rights" was well discussed by the great legal theorist H. L. A. Hart. Indeed, Eleanor Roosevelt, in her pioneering move, hoped that the provisions in the Declaration would serve as something like a template for legislation across the world. And to a considerable extent, this has occurred both in national legislation and through regional "human rights laws." The European Convention for the Protection of Human Rights and Fundamental Freedoms and other such conventions and laws have clearly been inspired by the vision that the Universal Declaration affirmed in 1948. And the impact of the declaration did not stop there.

The second intellectual innovation of the Universal Declaration concerns the instruments that can be used to pursue the ethics of human rights. Legislation need not be the only way of advancing these rights. Even the fulfilment of liberty-based rights, the so-called "first generation rights" (such as religious liberty, freedom from arbitrary arrest, the right not to be assaulted), on which the eighteenth-century declarations concentrated, depends not only on legislation but also on public discussion, social monitoring, investigative reporting, and the functioning of the media as a forum for news and comments. The acknowledgement of a human right can serve as a "parent" not only of law, but also of many other ways of advancing the fulfillment of that right. And so the Universal Declaration has inspired much more than new legislation, since a valued freedom can be advanced in many different ways of which the legislative route is only one. For example, unlike the Indian and South African Human Rights Commissions, which are recognized in their respective national laws, the Pakistan Human Rights Commission is basically just an NGO—but under the visionary and courageous leadership of Asma Jahangir, I. A. Rehman, and others, it has been remarkably effective in identifying and resisting violations of human rights by means of media discussion as well as legal proceedings, and in defending vulnerable persons, including ill-treated women and religious minorities.

The third point to note is that the Universal Declaration of Human Rights went well beyond the first generation rights, and included political, social and economic rights in various forms. In this way it departed from the confines of the American Declaration of 1776 and the French declaration of 1789, and expanded upon them. In this respect, the Universal Declaration reflected the radical transformation of social thought in the changing world of the twentieth century. The contrast is sharp indeed. It may be recollected that even Abraham Lincoln did not initially demand political and social rights for the slaves—only some rudimentary rights, concerning life, liberty, and fruits of labor. The U.N. Declaration includes a much larger list of freedoms and claims under its protective umbrella. This includes not only basic political rights, but the right to social security, the right to work, the right to education, protection against unemployment, the right to join trade unions, and even the right to just and favorable remuneration.

Some critics see this expansion of the domain of rights as quite absurd. How can it be the case, they argue, that these social and economic claims are rights, given the fact that it may be infeasible to satisfy them universally, at least without radical changes in the world? Is it not a basic premise of practical reason that there can be no enunciation of an "ought" without a corresponding "can"? I would argue that this line of reasoning is based on a misunderstanding of the content of what an ethically acknowledged right must demand. Just as utilitarians pursue the maximization of utilities without their approach being compromised by the fact that there always remains scope for further improvement in utility achievements, human rights advocates want the recognized human rights to be maximally attained: the viability of this approach does not crumble merely because further social changes may be needed to make more and more of these acknowledged rights fully realizable and actually realized. The affirmation of human rights is a call to action—a call for social change—and it must not be hostage to pre-existing feasibility.

Indeed, if feasibility were a necessary condition for people to have a right, then not just the social and economic rights but all rights—even the right to liberty—would be nonsensical, given the infeasibility of ensuring the life and the liberty of all against violation. We cannot prevent the incidence of murder every day. Nor, with even the best efforts, can we stop all mass killings, as in New York on September 11, or in London, Madrid, Bali, and more recently in Mumbai. The confusion in dismissing claims to human rights on grounds of incomplete feasibility is this: a not fully realized right is still a right, calling legitimately for remedial action. Non-realization does not make a right a non-right. Quite the contrary, it motivates further social action. And this is exactly the way in which the idea of human rights has been invoked, often with considerable effect, since the Universal Declaration sixty years ago.

The fourth remarkable feature of the Universal Declaration is its universal coverage: it applies to everyone in the world, without exception. This was a serious issue in the interpretation of rights following the American Declaration of Independence, since independence was fought and won on behalf of all even as the application of many of the rights remained for a long time confined to white people. Indeed, it is the non-inclusive character of the American Revolution that led Mary Wollstonecraft, the radical thinker, to make an enigmatic remark about Edmund Burke, who supported the American Revolution: "On what principle Mr. Burke could defend American independence, I cannot conceive." What could the revolutionary Wollstonecraft have meant in criticizing Burke, in many ways the father of British conservatism, for his support for the American Revolution? She was of course talking about the dubious viability of a human right from which an entire American population, the population of slaves, was excluded. The U.N. Declaration speaks up powerfully against any kind of double standard, and it is in many ways the watershed event in the recognition that universal coverage is essential for global ethics in the contemporary world.

The Universal Declaration has helped to establish a general conception of human rights of remarkably wide reach and effectiveness in an anxious world tormented (but perhaps not tormented enough!) by memories of terrible transgressions in the recent past and inspired by the hope of "freedom, justice and peace" in the future. Movements for civil rights, for democratic entitlements, for social equality, for economic justice, for equal treatment of women, for rights of minorities, which have powerfully developed across the world in the second half of the twentieth century, and which continue today, have been drawing on a capacious vision of which the Universal



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Declaration was the trailblazing expression, in championing the dignity and rights of *all* human beings.

That vision has led to fresh legislation (as Hart reasoned that it would), but also to broader interpretations of existing legal provisions, in this way taking us beyond older understandings of constitutions and laws. It has also led to activist agitations, to powerful advocacies for the weak, and to a growing stream of public reasoning and resolve in different parts of the world—and all of this has had a significant impact on public policies and social conventions. The vision has helped to inspire the dedicated work of many people in Human Rights Watch, Amnesty International, OXFAM, Save the Children, Médecins Sans Frontières, Action Aid, and other such global institutions, as well as initiatives originating in the developing world, such as the Grameen Bank and BRAC set up in Bangladesh. It has also encouraged less organized and more spontaneous groups of concerned people—neighbors and non-neighbors—to defend the basic freedoms of others.

The long reach of the Universal Declaration can be seen in the diversity of struggles in which its approach and its reasoning make an important contribution. The grand vision of a world with universal rights may be detected in the fight against comprehensive violations by military governments in Latin America yesterday and in Burma and Sudan today. It can be seen as providing inspiration for movements for civil and political rights in China. It has played a role in challenging the policy of the American government to incarcerate alleged "enemy combatants" without recourse to civil legal procedures, and in agitating for the fair treatment of immigrants in European countries. Its influence can be found in the championing of the rights of ill-treated women in societies with deep gender inequality, and in the fight against persistent hunger in many parts of the world, including in booming but still grossly unequal India. It contributes to the battle against torture anywhere in the world, and to the gathering momentum against medical neglect and epidemics with known remedies, which are increasingly seen as violations of human rights.

One indication of the impact of the Universal Declaration is the extent to which authoritarian governments fear it. Just recently, as the Human Rights Defenders Center in Tehran, led by the Nobel laureate Shirin Ebadi, was publicly celebrating the sixtieth anniversary of the Universal Declaration of Human Rights, the Iranian police raided its offices, with the aim of closing down the organization indefinitely. And at about the same time, the Chinese government arrested a number of human rights activists who commemorated the anniversary of the Universal Declaration of Human Rights by making various immediate demands. And so the Universal Declaration of Human Rights, with its powerful reasoning, continues to serve as strong ammunition for social movements and agitations that defend the lives and freedoms of the ill-treated, the excluded, the violated, and the wretched. The force of that visionary affirmation is still empowering. Its work is not yet done. ◆

Jerry A. Coyne

# SEEING AND BELIEVING

*The never-ending attempt to reconcile science and religion, and why it is doomed to fail.*

## I.

Charles Darwin was born on February 12, 1809—the same day as Abraham Lincoln—and published his magnum opus, *On the Origin of Species*, fifty years later. Every half century, then, a Darwin Year comes around: an occasion to honor his theory of evolution by natural selection, which is surely the most important concept in biology, and perhaps the most revolutionary scientific idea in history. 2009 is such a year, and we biologists are preparing to fan out across the land, giving talks and attending a multitude of DarwinFests. The melancholy part is that we will be speaking more to other scientists than to the American public. For in this country, Darwin is a man of low repute. The ideas that made Darwin's theory so revolutionary are precisely the ones that repel much of religious America, for they imply that, far from having a divinely scripted role in the drama of life, our species is the accidental and contingent result of a purely natural process.

And so the culture wars continue between science and religion. On one side we have a scientific establishment and a court system determined to let children learn evolution rather than religious mythology, and on the other side the many Americans who passionately resist those efforts. It is a depressing fact that while 74 percent of Americans believe that angels exist, only 25 percent accept that we evolved from apelike ancestors. Just one in eight of us think that evolution should be taught in the biology classroom without including a creationist alternative. Among thirty-four Western countries surveyed for the acceptance of evolution, the United States ranked a dismal thirty-third, just above Turkey. Throughout our country, school boards are trying to water down the teaching of evolution or sneak creationism in beside it. And the opponents of Darwinism are not limited to snake-handlers from the Bible Belt; they include some people you know. As Karl Giberson notes in *Saving Darwin*, "Most people in America have a neighbor who thinks the Earth is ten thousand years old."

The cultural polarization of America has been aggravated by attacks on religion from the "new atheists," writers such as Richard Dawkins and Daniel Dennett, who are die-hard Darwinists. Outraged religious leaders, associating evolutionary biology with atheism, counterattacked. This schism has distressed liberal theologians and religious scientists, who have renewed their efforts to reconcile religion and science. The "science" is nearly always evolutionary biology, which is far more controversial than any area of chemistry or physics. Francis Collins, director of the Human Genome Project, wrote *The Language of God: A Scientist Presents Evidence for Belief*; the philosopher Michael Ruse produced *Can a Darwinian Be a Christian?* (his answer is yes); and there are high-profile books by theologians such as John Haught and John Polkinghorne. The Templeton Foundation gives sizeable grants to projects for reconciling science and religion, and awards a yearly prize of two million dollars to a philosopher or scientist

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whose work highlights the "spiritual dimension of scientific progress." The National Academy of Sciences, America's most prestigious scientific body, issued a pamphlet assuring us that we can have our faith and Darwin, too:

> Science and religion address separate aspects of human experience. Many scientists have written eloquently about how their scientific studies of biological evolution have enhanced rather than lessened their religious faith. And many religious people and denominations accept the scientific evidence for evolution.

Would that it were that easy! True, there are religious scientists and Darwinian churchgoers. But this does not mean that faith and science are compatible, except in the trivial sense that both attitudes can be simultaneously embraced by a single human mind. (It is like saying that marriage and adultery are compatible because some married people are adulterers.) It is also true that some of the tensions disappear when the literal reading of the Bible is renounced, as it is by all but the most primitive of Judeo-Christian sensibilities. But tension remains. The real question is whether there is a *philosophical* incompatibility between religion and science. Does the empirical nature of science contradict the revelatory nature of faith? Are the gaps between them so great that the two institutions must be considered essentially antagonistic? The incessant stream of books dealing with this question suggests that the answer is not straightforward.

The easiest way to harmonize science and religion is simply to redefine one so that it includes the other. We may claim, for example, that "God" is simply the name we give to the order and harmony of the universe, the laws of physics and chemistry, the beauty of nature, and so on. This is the naturalistic pantheism of Spinoza. Its most famous advocate was Einstein, often (and wrongly) described as believing in a personal God:

> The most beautiful emotion we can experience is the mysterious. It is the fundamental emotion that stands at the cradle of all true art and science. He to whom this emotion is a stranger, who can no longer wonder and stand rapt in awe, is as good as dead, a snuffed-out candle. To sense that behind anything that can be experienced there is something that our minds cannot grasp, whose beauty and sublimity reaches us only indirectly: this is religiousness. In this sense, and in this sense only, I am a devoutly religious man.

But the big problem with this "reconciliation," in which science does not marry religion so much as digest it, is that it leaves out God completely—or at least the God of the monotheistic faiths, who has an interest in the universe. And this is unacceptable to most religious people. Look at the numbers: 90 percent of Americans believe in a personal God who interacts with the world, 79 percent believe in miracles, 75 percent in heaven, and 72 percent in the divinity of Jesus. In his first popular book, *Finding Darwin's God*, Kenneth Miller attacked pantheism because it "dilutes religion to the point of meaninglessness." He was right.

A meaningful effort to reconcile science and faith must start by recognizing them as they are actually understood and practiced by human beings. You cannot re-define science so that it includes the supernatural, as Kansas's board of education did in 2005. Nor can you take "religion" to be the philosophy of liberal theologians, which, frowning on a personal God, is often just a hairsbreadth away from pantheism. After all, the goal is not to turn the faithful into liberal theologians, but to show them a way to align their actual beliefs with scientific truths. Theologians sometimes suggest a reconciliation by means of naturalistic deism, the idea that the creation of the universe—and perhaps the laws of physics—was the direct handiwork of a deity who then left things alone as they unfolded, never interfering in nature or history again. For the faithful, this has been even more problematic than pantheism: it not only denies miracles, virgin births, answered prayers, and the entire cosmological apparatus of Christianity, Judaism, Islam, Hinduism, and much of Buddhism, but also raises the question of where God came from in the first place.

**SAVING DARWIN:**
**HOW TO BE A CHRISTIAN AND BELIEVE IN EVOLUTION**
By Karl W. Giberson
(HarperOne, 248 pp., $24.95)

**ONLY A THEORY:**
**EVOLUTION AND THE BATTLE FOR AMERICA'S SOUL**
By Kenneth R. Miller
(Viking, 244 pp., $25.95)

No, a proper solution must harmonize science with theism: the concept of a transcendent and eternal god who nonetheless engages the world directly and pays special attention to the real object of divine creation, *Homo sapiens*. And so we have Karl Giberson and Kenneth Miller, theistic scientists and engaging writers, both demolishing what they see as a false reconciliation—the theory of intelligent design—and offering their own solutions. Giberson is a professor of physics at Eastern Nazarene College, a Christian school, and has written three books on the tension between science and religion. He is the former editor of *Science and Spirit*, a magazine published by the Templeton Foundation. (*Saving Darwin* was also financed by Templeton.) Kenneth Miller, a cell biologist at Brown University, is one of the most ardent and articulate defenders of evolution against creationism. He is also an observant Catholic. Miller's new book, *Only a Theory*, is an update of *Finding Darwin's God*. Both books offer not only a withering critique of intelligent design, but also a search for God in the evolutionary process.

Together, *Saving Darwin* and *Only a Theory* provide an edifying summary of the tenets and the flaws of modern creationism, the former dealing mainly with its history and the latter with its specious claims. If these books stopped there, they would raise a valuable alarm about the dangers facing American science and culture. But in the end their sincere but tortuous efforts to find the hand of God in evolution lead them to solutions that are barely distinguishable from the creationism that they deplore.

## II.

As recounted by Giberson, the history of creationism in America has itself been an evolutionary process guided by a form of natural selection. After each successive form of creationism has been struck down by the courts for violating the First Amendment, a modified form of the doctrine has appeared, missing some religious content and more heavily disguised in scientific garb. Over time, the movement has shifted from straight Biblical creationism to "scientific creationism," in which the very facts of science were said to support religious stories such as the Genesis creation and Noah's Ark, and then morphed into intelligent design, or ID, a theory completely stripped of its Biblical patina. None of this has fooled the courts. In 2005, a federal judge in Harrisburg, Pennsylvania rebuffed an attempt to introduce ID into the classroom,



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characterizing the enterprise as disguised creationism and branding its advocates liars. (Miller was an important witness for the prosecution, supporting the rejection of ID.) But of course this has not settled matters. Creationists have returned with appeals to our sense of fair play, urging schools to "teach the controversy"—and never mind that the controversy about evolution is not scientific, but social and political.

What is surprising in all this is how close many creationists have come to Darwinism. Important advocates of ID such as Michael Behe, a professor at Lehigh University (and a witness for the defense in the Harrisburg case), accept that the earth is billions of years old, that evolution has occurred—some of it caused by natural selection—and that many species share common ancestors. In Behe's view, God's role in the development of life could merely have been as the Maker of Mutations, tweaking DNA sequences when necessary to fuel the appearance of new mutations and species. In effect, Behe has bought all but the tail of the Darwinian hog.

Yet other forms of creationism remain. Many IDers are also "young-earth creationists," taking a Biblically based stand that the earth is about six thousand years old. (The evangelist Ken Ham's $27 million Creation Museum in Kentucky depicts a *Triceratops* wearing a saddle!) Others believe that the distribution of animals on our planet is explained by Noah's Ark. Still others claim that while some species evolved, many others were created by God. Understandably, creationists prefer to hide these differences, deceptively implying that they are philosophically united.

But regardless of their views, all creationists share four traits. First, they devoutly believe in God. No surprise there, except to those who think that ID has a secular basis. Second, they claim that God miraculously intervened in the development of life, either creating every species from scratch or intruding from time to time in an otherwise Darwinian process. Third, they agree that one of these interventions was the creation of humans, who could not have evolved from apelike ancestors. This, of course, reflects the Judeo-Christian view that humans were created in God's image. Fourth, they all adhere to a particular argument called "irreducible complexity." This is the idea that some species, or some features of some species, are too complex to have evolved in a Darwinian manner, and must therefore have been designed by God. Blood clotting in vertebrates, for example, is a complex sequence of enzyme reactions, involving twenty proteins that interact to produce the final clot. If any were missing, the blood would not clot. How could something this sophisticated have blindly evolved?

Easily, says Miller. In a devastating dismantling of ID, he takes the "scientific" claims of ID seriously and follows them to their illogical conclusion. In clear and lively prose, Miller shows that complex biochemical pathways are cobbled together from primitive precursor proteins that once had other functions but were co-opted for new uses. And ID turns out to be simply a "god of the gaps" argument—the view that if we do not yet comprehend a phenomenon completely, we must throw up our hands, stop our research, and praise the Lord. For scientists, that is a prescription for the end of science, for perpetual ignorance.

Miller brilliantly exposes ID for what it is: a farrago of theological assertions and discredited scientific claims designed to inveigle a religious view of life into the biology classroom. IDers have no defined program of scientific research. Although they spend huge sums of money on public relations, they have not produced a single scientifically refereed paper supporting the empirical claims of their "theory." Miller correctly concludes that "the hypothesis of design is compatible with any conceivable data, makes no new testable predictions, and suggests no new avenues for research." One of Miller's keenest insights is that ID involves not just design but also supernatural creation. After all, the designer has to do more than just envision new creatures; he must also place them on Earth. And if that is not creationism (a label that IDers loudly reject), I do not know what is.

For Giberson, ID is not just bad science (or more strictly, not science at all), it is also bad theology:

> The world is a complex place, and there is much about the universe that we still don't understand. We are centuries away from closing the many gaps in our current scientific understanding of the natural world.... But it is the business of science to close gaps, and it has long been the central intuition of theology to find a better place to look for God.... Promoting "design" in isolation from God's other attributes is a dangerous and ultimately self-defeating way to get God back into science.

Rather than reconciling religion and science, then, ID puts them in further conflict, damaging both in the process. That is why so many theologians as well as scientists have testified against ID in court.

If ID is an abysmal failure as science, why do so many people continue to press for its adoption in schools? The obvious answer is that ID preserves our status as God's favorite species and seems to imbue the universe with purpose and meaning, while evolutionary biology does neither. In other words, ID, like all forms of creationism, is an extension of religion. This has been recognized by every judge who has ruled on the issue since the Scopes trial of 1925. Curiously, though, Giberson and Miller avoid this issue when tracing the roots of creationism. Instead of singling out religion, they blame two secular movements, populism and atheism.

For Miller, a peculiarly American brand of rugged individualism and distrust of authority has had conflicting effects. First, it has produced America's scientific superiority. Miller notes that in the last three decades, Americans have won about 60 percent of all Nobel Prizes in the sciences.

> Is there something in the American character that bore the seeds of this conflict [evolution versus creationism] and provided fertile ground in which it could flourish? I think there is, and I'm not ashamed of that. In fact, I'm downright proud of it.... America is the greatest scientific nation in the world.... Disrespect—that's the key. It's the reason that our country has embraced science so thoroughly, and why America has served as a beacon to scientists from all over the world. A healthy disrespect for authority is part of the American character, and it permeates our institutions, including the institutions of science. Scientists in this country, whether American by birth or choice, have been allowed to dream of revolutionary discoveries, and those dreams have come true more often in this country than in any other.

But this is a two-edged sword.

> If rebellion and disrespect are indeed part of the American talent for science, then what should we make of the anti-evolution movement? One part of the analysis is clear. The willingness of Americans to reject established authority has played a major role in the way that local activists have managed to push ideas such as scientific creationism and intelligent design into local schools.



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Giberson agrees:

> Americans have never been eager or even willing to be led by intellectual elites. A simple commonsense argument by someone you trust is worth more than the pompous pronouncements of an entire university of eggheads. America is a nation that loves cowboys, and cowboys don't need experts telling them what to think.

But do we really owe our leadership in science to our inner John Waynes? Surely there are other—and equally American—factors: freedom from religious persecution, and money. Our scientific community has been immensely enriched by recent immigrants, especially Jews who fled the Nazis. More important, after World War II our government began funding scientific research at a furious rate, a largesse that attracted hosts of foreign scholars. And even though we have dominated the Nobel Prizes since then, in earlier years we were completely eclipsed by Europe. Until 1930, for example, Americans won only four Nobel Prizes in all of the sciences, while twenty-nine went to Germany and fifteen to the United Kingdom. Germans and Britons can hardly be accused of "disrespect for authority"!

The resistance to evolution in America has little to do with populism as such. Our ornery countrymen do not rise up against the idea of black holes or the proof of Fermat's Last Theorem. It is evolution that is the unique object of their ire, and for this there is only one explanation. The facts are these: you may find religion without creationism, but you will never find creationism without religion. Miller and Giberson shy away from this simple observation. Their neglect of the real source of creationism is inexcusable but understandable: a book aiming to reconcile evolution and religion can hardly blame the faithful.

Yet it is acceptable, it seems, to blame the faithless. For Giberson and Miller, the main aggressors in the "science wars" are the atheists. Books by the "new atheists," they contend, have inflamed religious moderates who might otherwise be sympathetic to evolution, driving them into the creationist corner. In *Finding Darwin's God*, Miller explained that "I believe much of the problem lies with atheists in the scientific community who routinely enlist the material findings of evolutionary biology in support [sic] their own philosophical pronouncements." And Giberson concurs:

> Critics of creationism were often rude and dismissive and appeared to have agendas that went beyond the truth of various claims about the natural history of the earth.... These famous critics failed to grasp that creationists are also committed Christians and many of them are reasonable, generous, and motivated by the noblest of intentions. Thoughtful Christians sense something disingenuous about the mean-spirited lambasting that accompanies what should be a civil argument about science.

So the obstacle to understanding is not religion, it is those aggressive atheist-evolutionists who won't shut up. But consider this: it is Richard Dawkins who, more than anyone else, has convinced people of the reality and the power of evolution. It is the height of wishful thinking to claim that if he and his intellectual confreres simply stopped attacking religion, creationism would disappear.

Giberson levels another common criticism at evolutionary biologists. Many of us, he claims, see our science as a religion, a kind of Darwin-worship that purports to explain everything, including meaning, purpose, ethics, and religion itself: "The idea that science should be a religion on its own runs like a subterranean reservoir through the writing of these popularizers, gurgling beneath the surface and bubbling into view every time the conversation gets to the now-here-is-what-it-all-means phase." Yes, some scientists (and science writers) have gone overboard with evolutionary psychology, asserting that Darwinism can explain every facet of human behavior. But no serious scientist wants evolution to become anything like a religion, or even a source of ethics and values. That would mean abandoning our main tool for understanding nature: the resolution of empirical claims with empirical data. We do not have "faith" in Darwinism in the same way that others have faith in God, nor do we see Darwin as an unimpeachable authority like Pope Benedict XVI or the Ayatollah Khamenei. Indeed, since 1859 a fair number of Darwin's ideas have been disproven. Like all sciences, evolution differs from religion because it constantly tests its assumptions, and discards the ones that prove false.

### III.

In *Finding Darwin's God*, his earlier book, Miller proclaimed a universal theism: "Remember, once again, that people of faith believe their God is active in the present world, where He works in concert with the naturalism of physics and chemistry." Giberson clearly agrees. And where do they find the hand of God in nature? Unsurprisingly, in the appearance of humans.

Giberson and Miller assert that the evolution of humans, or something very like them, was inevitable. Given the way that evolution works, they claim, it was certain that the animal kingdom would eventually work its way up to a species that was conscious, highly intelligent, and above all, capable of apprehending and worshipping its creator. This species did not have to look perfectly human, but it did have to have our refined mentality (call it "humanoid"). One of Miller's chapters is even titled "The World That Knew We Were Coming." Giberson notes that "capabilities like vision and intelligence are so valuable to organisms that many, if not most biologists believe they would probably arise under any normal evolutionary process.... So how can evolution be entirely random, if certain sophisticated end points are predictable?"

Reading this, many biologists will wonder how he can be so sure. After all, evolution is a contingent process. The way natural selection molds a species depends on unpredictable changes in climate, on random physical events such


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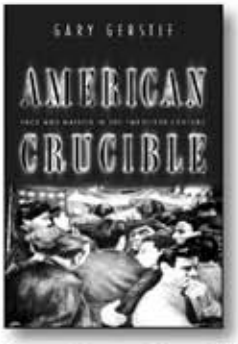


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as meteor strikes or volcanic eruptions, on the occurrence of rare and random mutations, and on which species happen to be lucky enough to survive a mass extinction. If, for example, a large meteor had not struck Earth sixty-five million years ago, contributing to the extinction of the dinosaurs—and to the rise of the mammals they previously dominated—all mammals would probably still be small nocturnal insectivores, munching on crickets in the twilight.

Evolutionists long ago abandoned the notion that there is an inevitable evolutionary march toward greater complexity, a march that culminated in humans. Yes, the average complexity of all species has increased over the three-and-a-half billion years of evolution, but that is because life started out as a simple replicating molecule, and the only way to go from there is to become more complex. But now complexity is not always favored by natural selection. If you are a parasite, for instance, natural selection may make you less complex, because you can live off the exertions of another species. Tapeworms evolved from free-living worms, and during their evolution have lost their digestive system, their nervous system, and much of their reproductive apparatus. As I tell my students, they have become just absorptive bags of gonads, much like the students themselves. Yet tapeworms are superbly adapted for a parasitic way of life. It does not always pay to be smarter, either. For some years I had a pet skunk, who was lovable but dim. I mentioned this to my vet, who put me in my place: "Stupid? Hell, he's perfectly adapted for being a skunk!" Intelligence comes with a cost: you need to produce and to carry that extra brain matter, and to crank up your metabolism to support it. And sometimes this cost exceeds the genetic payoff. A smarter skunk might not be a fitter skunk.

To support the inevitability of humans, Giberson and Miller invoke the notion of evolutionary convergence. This idea is simple: species often adapt to similar environments by independently evolving similar features. Ichthyosaurs (ancient marine reptiles), porpoises, and fish all evolved independently in the water, and through natural selection all three acquired fins and a similar streamlined shape. Complex "camera eyes" evolved in both vertebrates and squid. Arctic animals such as polar bears, arctic hares, and snowy owls either are white or turn white in the winter, hiding them from predators or prey. Perhaps the most astonishing example of convergence is the similarity between some species of marsupial mammals in Australia and unrelated placental mammals that live elsewhere. The marsupial flying phalanger looks and acts just like the flying squirrel of the New World. Marsupial moles, with their reduced eyes and big burrowing claws, are dead ringers for our placental moles. Until its extinction in 1936, the remarkable thylacine, or Tasmanian wolf, looked and hunted like a placental wolf.

Convergence tells us something deep about evolution. There must be pre-existing "niches," or ways of life, that call up similar evolutionary changes in unrelated species that adapt to them. That is, starting with different ancestors and fuelled by different mutations, natural selection can nonetheless mold bodies in very similar ways—so long as those changes improve survival and reproduction. There were niches in the sea for fish-eating mammals and reptiles, so porpoises and ichthyosaurs became streamlined. Animals in the Arctic improve their survival if they are white in the winter. And there must obviously be a niche for a small omnivorous mammal that glides from tree to tree. Convergence is one of the most impressive features of evolution, and it is common: there are hundreds of cases.

All it takes to argue for the inevitability of humanoids, then, is to claim that there was a "humanoid niche"—a way of life that required high intelligence and sophisticated self-consciousness—and that this niche remained unfilled until inevitably invaded by human ancestors. But was its occupation really inevitable? Miller is confident that it was:

> But as life re-explored adaptive space, could we be certain that our niche would not be occupied? I would argue that we could be almost certain that it would be—that eventually evolution would produce an intelligent, self-aware, reflective creature endowed with a nervous system large enough to solve the very same questions we have, and capable of discovering the very process that produced it, the process of evolution.... Everything we know about evolution suggests that it could, sooner or later, get to that niche.

Miller and Giberson are forced to this view for a simple reason. If we cannot prove that humanoid evolution was inevitable, then the reconciliation of evolution and Christianity collapses. For if we really were the special object of God's creation, our evolution could not have been left to chance. (It may not be irrelevant that although the Catholic Church accepts most of Darwinism, it makes an official exception for the evolution of *Homo sapiens*, whose soul is said to have been created by God and inserted at some point into the human lineage.)

The difficulty is that most scientists do not share Miller's certainty. This is because evolution is not a repeatable experiment. We cannot replay the tape of life over and over to see if higher consciousness always crops up. In fact, there are good reasons for thinking that the evolution of humanoids was not only not inevitable, but was a priori improbable. Although convergences are striking features of evolution, there are at least as many failures of convergence. These failures are less striking because they involve species that are missing. Consider Australia again. Many types of mammals that evolved elsewhere have no equivalents among marsupials. There is no marsupial counterpart to a bat (that is, a flying mammal), or to giraffes and elephants (large mammals with long necks or noses that can browse on the leaves of trees). Most tellingly, Australia evolved no counterpart to primates, or any creature with primate-like intelligence. In fact, Australia has many unfilled niches—and hence many unfulfilled convergences, including that prized "humanoid" niche. If high intelligence was such a predictable result of evolution, why did it not evolve in Australia? Why did it arise only once, in Africa?

This raises another question. We recognize convergences because unrelated species evolve similar traits. In other words, the traits appear in more than one species. But sophisticated, self-aware intelligence is a singleton: it evolved just once, in a human ancestor. (Octopi and dolphins are also smart, but they do not have the stuff to reflect on their origins.) In contrast, eyes have evolved independently forty times, and white color in Arctic animals appeared several times. It is hard to make a convincing case for the evolutionary inevitability of a feature that arose only once. The elephant's trunk, a complex and sophisticated adaptation (it has over forty thousand muscles!), is also an evolutionary singleton. Yet you do not hear scientists arguing that evolution would inevitably fill the "elephant niche." Giberson and Miller proclaim the inevitability of humanoids for one reason only: Christianity demands it.

Finally, it is abundantly clear that the evolution of human intelligence was a contingent event: contingent on the drying out of the African forest and the de-



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velopment of grasslands, which enabled apes to leave the trees and walk on two legs. Indeed, to maintain that the evolution of humans was inevitable, you must also maintain that the evolution of apes was inevitable, that the evolution of primates was inevitable, that the rise of mammals was inevitable, and so on back through dozens of ancestors, all of whose appearances must be seen as inevitable. This produces a regress of increasing unlikelihood. In the end, the question of whether human-like creatures were inevitable can be answered only by admitting that we do not know—and adding that most scientific evidence suggests that they were not. Any other answer involves either wishful thinking or theology.

Miller opts for theology. Although his new book does not say how God ensured the arrival of *Homo sapiens*, Miller was more explicit in *Finding Darwin's God*. There he suggested that the indeterminacy of quantum mechanics allows God to intervene at the level of atoms, influencing events on a larger scale:

> The indeterminate nature of quantum events would allow a clever and subtle God to influence events in ways that are profound, but scientifically undetectable to us. Those events could include the appearance of mutations, the activation of individual neurons in the brain, and even the survival of individual cells and organisms affected by the chance processes of radioactive decay.

In other words, God is a Mover of Electrons, deliberately keeping his incursions into nature so subtle that they're invisible. It is baffling that Miller, who comes up with the most technically astute arguments against irreducible complexity, can in the end wind up touting God's microediting of DNA. This argument is in fact identical to that of Michael Behe, the ID advocate against whom Miller testified in the Harrisburg trial. It is another God-of-the-gaps argument, except that this time the gaps are tiny.

Miller raises another argument also used by creationists and theists as proof of celestial design: the so-called "fine tuning of the universe." It turns out that the existence of a universe that permits life as we know it depends heavily on the size of certain constants in the laws of physics. If, for example, the charge of the electron were slightly different, or if the disparity in mass between a proton and a neutron were slightly larger, or if other constants varied by more than a few percent, the universe would differ in important ways. Stars would not live long enough to allow life to emerge and evolve, there would be no solar systems, and the universe would lack the elements and the complex chemistry necessary for building organisms. In other words, we inhabit what is called a "Goldilocks universe," where nature's laws are just right to allow life to evolve and to thrive. This observation is called "the anthropic principle."

At first glance, its explanation appears trivial. As Miller says, "Taking as a starting point the observation that you and I are alive, at least in the immediate present, it's obvious that we must live in a universe where life is possible. If we didn't, we wouldn't be here to talk about it. So, in a certain sense the fact that we live in a life-friendly universe merits little more than a big 'Duh.'" True. But this raises a deeper question: why do the constants of the universe just happen to have those life-promoting values? The answer given by creationists is that this is no accident: a beneficent God (or an intelligent designer) crafted those physical laws precisely so that somewhere in the universe intelligent life would evolve—life *so* intelligent that it could work out the laws of physics and, more important, apprehend their creator. This answer—known as the strong anthropic principle—is scientifically untestable, but it sounds so reasonable that it has become one of the biggest guns in the creationist arsenal. (It is important to grasp that anthropic principles concern the conditions required for the existence of *any* life, and say nothing about the inevitability of complex and intelligent life.)

Also, scientists have other explanations, ones based on reason rather than on faith. Perhaps some day, when we have a "theory of everything" that unifies all the forces of physics, we will see that this theory requires our universe to have the physical constants that we observe. Alternatively, there are intriguing "multiverse" theories that invoke the appearance of many universes, each with different physical laws; and we could have evolved only in one whose laws permit life. The physicist Lee Smolin has suggested a fascinating version of multiverse theory. Drawing a parallel with natural selection among organisms, Smolin proposed that physical constants of universes actually evolve by a type of "cosmological selection" among universes. It turns out that each black hole—and there are millions in our universe—might give rise to a new universe, and these new universes could have physical constants different from those of their ancestors. (This is analogous to mutation in biological evolution.) And universes with physical constants close to the ones we see today happen to be better at producing more black holes, which in turn produce more universes. (This resembles natural selection.) Eventually this process yields a population of universes enriched in those having just the right properties to produce stars (the source of black holes), planets, and life. Smolin's theory immensely raises the odds that life could appear.

The idea of multiple universes may seem like a desperate move—a Hail Mary thrown out by physicists who are repelled by religious explanations. But physics is full of ideas that are completely counterintuitive, and multiverse theories fall naturally out of long-standing ideas of physics. They represent physicists' attempts to give a naturalistic explanation for what others see as evidence of design. For many scientists, multiverses seem far more reasonable than the solipsistic assumption that our own universe with its 10,000,000,000,000,000 planets was created just so a single species of mammal would evolve on one of them fourteen billion years later.

And yet Miller seems to favor the theological explanation, or at least gives the anthropic principle a theological spin:

> The scientific insight that our very existence, through evolution, requires a universe of the very size, scale, and age that we see around us implies that the universe, in a certain sense, had us in mind from the very beginning.... If this universe was indeed primed for human life, then it is only fair to say, from a theist's point of view, that each of us is the result of a thought of God, despite the existence of natural processes that gave rise to us.

Miller equates the faith of religious believers with physicists' "faith" in a naturalistic explanation for physical laws:

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> Believers … are right to remind skeptics and agnostics that one of their favored explanations for the nature of our existence involves an element of the imagination as wild as any tale in a sacred book: namely, the existence of countless parallel simultaneous universes with which we can never communicate and whose existence we cannot even test. Such belief also requires an extraordinary level of "faith" and the nonreligious would do well to admit as much.

Well, physicists are not ready to admit as much. Contrary to Miller's claim, the existence of multiverses does not require a leap of faith nearly as large as that of imagining a God. And some scientific explanations of the anthropic principle are testable. Indeed, a few predictions of Smolin's theory have already been confirmed, adding to its credibility. It may be wrong, but wait a decade and we will know a lot more about the anthropic principle. In the meantime, it is simply wrong to claim that proposing a provisional and testable scientific hypothesis—not a "belief"—is equivalent to religious faith.

## IV.

The most common way to harmonize science and religion is to contend that they are different but complementary ways of understanding the world. That is, there are different "truths" offered by science and by religion that, taken together, answer every question about ourselves and the universe. Giberson explains:

> I worry that scientific progress has bewitched us into thinking that there is nothing more to the world than what we can understand.… Science has perhaps gotten as much from the materialistic paradigm as it is going to get. Matter in motion, so elegantly described by Newton and those who followed him, may not be the best way to understand the world.… I think there are ways, though, that we can begin to look at the creation and understand that the scientific view is not all-encompassing. Science provides a partial set of insights that, though powerful, don't answer all the questions.

Usually the questions said to fall outside science include those of meaning, purpose, and morality. In one of his last books, *Rocks of Ages: Science and Religion in the Fullness of Life*, Stephen Jay Gould called this reconciliation NOMA, for "non-overlapping magisteria": "Science tries to document the factual character of the natural world, and to develop theories that coordinate and explain these facts. Religion, on the other hand, operates in the equally important, but utterly different, realm of human purposes, meanings and values—subjects that the factual domain of science might illuminate, but can never resolve." Gould offered this not as a utopian vision, but as an actual description of why the realms of science and religion do not overlap. As a solution to our perplexity, this is no good. In a spirit of pluralism it ignores the obvious conflicts between them. Gould salvaged his idea by redefining his terms—the old trick, again—writing off creationism as "improper religion" and defining secular sources of ethics, meanings and values as being "fundamentally religious."

The NOMA solution falls apart for other reasons. Despite Gould's claims to the contrary, supernatural phenomena are not completely beyond the realm of science. All scientists can think of certain observations that would convince them of the existence of God or supernatural forces. In a letter to the American biologist Asa Gray, Darwin noted:

> Your question what would convince me of Design is a poser. If I saw an angel come down to teach us good, and I was convinced from others seeing him that I was not mad, I should believe in design. If I could be convinced thoroughly that life and mind was in an unknown way a function of other imponderable force, I should be convinced. If man was made of brass or iron and no way connected with any other organism which had ever lived, I should perhaps be convinced. But this is childish writing.

Similarly, if a nine-hundred-foot-tall Jesus appeared to the residents of New York City, as he supposedly did to the evangelist Oral Roberts in Oklahoma, and this apparition were convincingly documented, most scientists would fall on their knees with hosannas.

Scientists do indeed rely on materialistic explanations of nature, but it is important to understand that this is not an a priori philosophical commitment. It is, rather, the best research strategy that has evolved from our long-standing experience with nature. There was a time when God was a part of science. Newton thought that his research on physics helped clarify God's celestial plan. So did Linnaeus, the Swedish botanist who devised our current scheme for organizing species. But over centuries of research we have learned that the idea "God did it" has never advanced our understanding of nature an iota, and that is why we abandoned it. In the early 1800s, the French mathematician Laplace presented Napoleon with a copy of his great five-volume work on the solar system, the *Méchanique Céleste*. Aware that the books contained no mention of God, Napoleon taunted him, "Monsieur Laplace, they tell me you have written this large book on the system of the universe, and have never even mentioned its Creator." Laplace answered, famously and brusquely: "*Je n'avais pas besoin de cette hypothèse-là*," "I have had no need of that hypothesis." And scientists have not needed it since.

In a common error, Giberson confuses the strategic materialism of science with an absolute commitment to a philosophy of materialism. He claims that "if the face of Jesus appeared on Mount Rushmore with God's name signed underneath, geologists would still have to explain this curious phenomenon as an improbable byproduct of erosion and tectonics." Nonsense. There are so many phenomena that would raise the specter of God or other supernatural forces: faith healers could restore lost vision, the cancers of only good people could go into remission, the dead could return to life, we could find meaningful DNA sequences that could have been placed in our genome only by an intelligent agent, angels could appear in the sky. The fact that no such things have ever been scientifically documented gives us added confidence that we are right to stick with natural explanations for nature. And it explains why so many scientists, who have learned to disregard God as an explanation, have also discarded him as a possibility.

This brings us to the second reason why Gould's explanation does not cohere. It is all well and good to say, as he did, that religion makes no claims about nature, but in practice it is not true. Out of the thousands of religious sects on this planet, only a handful do not have adherents or dogmas that make empirical claims about the world. Here are some. Jesus was born of a virgin and, after crucifixion, came back to life. After Mary's death, her physical body was transported to heaven. The Prophet Mohammed ascended to heaven on the back of a white horse. After death, every being is reincarnated in some other form. The god Brahma emerged from a lotus flower that grew from the navel of Vishnu, and, on Vishnu's command, created the universe. God listens and responds to prayer. Sea mammals come from the chopped-off fingers of the Inuit god Sedna. You



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will gain wealth and happiness if you send money to the ministry of Creflo Dollar.

Those are the dogmas. To see what the faithful actually believe, consider that more than 60 percent of Americans believe in miracles, the virgin birth of Jesus, his divinity and resurrection (Giberson and Miller are among them), the survival of the soul after death, and the existence of Hell and Satan. Regardless of what liberal theologians claim, most of us are not deists or Unitarians. And if you think that Americans see the Bible as mere metaphorical poetry, I invite you to visit a gospel church in Wasilla, Alaska, or on the South Side of Chicago.

Many religious beliefs can be scientifically tested, at least in principle. Faith-based healing is particularly suited to these tests. Yet time after time it has failed them. After seeing the objects cast off by visitors to Lourdes, Anatole France is said to have remarked, "All those canes, braces and crutches, and not a single glass eye, wooden leg, or toupee!" If God can cure cancer, why is He impotent before missing eyes and limbs? Recent scientific studies of intercessory prayer—when the sick do not know whether they are being prayed for—have not shown the slightest evidence that it works. Nor do we have scientifically rigorous demonstrations of miracles, despite the Vatican's requirement that two miracles be proven for canonizing every saint. Holy relics, such as the Shroud of Turin, have turned out to be clever fakes. There is no corroborated evidence that anyone has spoken from beyond the grave. And what about the ancient "foundational" miracles, such as those supposedly performed by Christ, Buddha, and Mohammed? We were not there when they happened, so we cannot test them. But at least we can apply the same standards to these as we do to other Biblical or Koranic claims.

Like Giberson, Miller rejects a literal interpretation of the Bible. After discussing the fossil record, he contends that "a literal reading of the Genesis story is simply not scientifically valid," concluding that "theology does not and cannot pretend to be scientific, but it can require of itself that it be consistent with science and conversant with it." But this leads to a conundrum. Why reject the story of creation and Noah's Ark because we know that animals evolved, but nevertheless accept the reality of the virgin birth and resurrection of Christ, which are equally at odds with science? After all, biological research suggests the impossibility of human females reproducing asexually, or of anyone reawakening three days after death. Clearly Miller and Giberson, along with many Americans, have some theological views that are not "consistent with science."

What, then, is the nature of "religious truth" that supposedly complements "scientific truth"? The first thing we should ask is whether, and in what sense, religious assertions are "truths." Truth implies the possibility of falsity, so we should have a way of knowing whether religious truths are wrong. But unlike scientific truths, religious ones differ from person to person and sect to sect. And we all know of clear contradictions between the "truths" of different faiths. Christianity unambiguously claims the divinity of Jesus, and many assert that the road to salvation absolutely depends on accepting this claim, whereas the Koran states flatly that anyone accepting the divinity of Jesus will spend eternity in hell. These claims cannot both be "true," at least in a way that does not require intellectual contortions.

Assertions about God's nature also differ among faiths. Giberson explains, for example, that "centuries of Christian reflection on the nature of God have highlighted various characteristics of God: justice, love, goodness, holiness, grace, sovereignty, and so forth." But to those of other faiths, God can be vengeful, as Yahweh was in the Old Testament. Jews cannot imagine an incarnated God, the Word made flesh. Hindus, like ancient Greeks, accept multiple gods with different personalities. To deists, god is apathetic, while many theologians in all the monotheistic faiths claim that we cannot know anything about God's attributes. So which of these many characterizations is "true"? Anything touted as a "truth" must come with a method for being disproved—a method that does not depend on personal revelation. After all, thousands of people have had delusional revelations of "truth" with horrifying consequences.

Perhaps what we mean by "religious truths" are "moral truths," such as "Thou shalt not commit adultery." These rules are not subject to empirical testing, but they do comport with our reasoned sense of right and wrong. But for almost every "truth" such as this there is another one believed with equal sincerity, such as "Those who commit adultery should be stoned to death." This dictum appears not only in Islamic religious law, but in the Old Testament as well. (It seems wrong, by the way, to call these truths religious. Beginning with Plato, philosophers have argued convincingly that our ethics come not from religion, but from a secular morality that develops in intelligent, socially interacting creatures, and is simply inserted into religion for convenient citation.)

In the end, then, there is a fundamental distinction between scientific truths and religious truths, however you construe them. The difference rests on how you answer one question: *how would I know if I were wrong?* Darwin's colleague Thomas Huxley remarked that "science is organized common sense where many a beautiful theory was killed by an ugly fact." As with any scientific theory, there are potentially many ugly facts that could kill Darwinism. Two of these would be the presence of human fossils and dinosaur fossils side by side, and the existence of adaptations in one species that benefit only a different species. Since no such facts have ever appeared, we continue to accept evolution as true. Religious beliefs, on the other hand, are immune to ugly facts. Indeed, they are maintained in the face of ugly facts, such as the impotence of prayer. There is no way to adjudicate between conflicting religious truths as we can between competing scientific explanations. Most scientists can tell you what observations would convince them of God's existence, but I have never met a religious person who could tell me what would disprove it. And what could possibly convince people to abandon their belief that the deity is, as Giberson asserts, good, loving, and just? If the Holocaust cannot do it, then nothing will.

## V.

Giberson and Miller are thoughtful men of good will. Reading them, you get a sense of conviction and sincerity absent from the writings of many creationists, who blatantly deny the most obvious facts about nature in the cause of their faith. Both of their books are worth reading: Giberson for the history of the creation/evolution debate, and Miller for his lucid arguments against intelligent design. Yet in the end they fail to achieve their longed-for union between faith and evolution. And they fail for the same reason that people always fail: a true harmony between science and religion requires either doing away with most people's religion and replacing it with a watered-down deism, or polluting science with unnecessary, untestable, and unreasonable spiritual claims.

Although Giberson and Miller see themselves as opponents of creationism, in devising a compatibility between science and religion they finally converge with their opponents. In fact, they exhibit at least three of the four distinguishing traits of creationists: belief in God, the intervention of God in nature, and



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a special role for God in the evolution of humans. They may even show the fourth trait, a belief in irreducible complexity, by proposing that a soul could not have evolved, but was inserted by God.

Giberson, while abjuring a hands-on God, nevertheless sees deliberate design in our Earth.

> Why is [bird] song so pleasant to hear? Why, for example, does almost every scene of undeveloped nature seem so beautiful, from mountain lakes to rolling prairies? If the evolution of our species was driven entirely by survival considerations, then where did we get our rich sense of natural aesthetics?… There is an artistic character to nature that has always struck me as redundant from a purely scientific point of view.… I am attracted to the idea that God's signature is not on the engineering marvels of the natural world, but rather on its marvelous creativity and aesthetic depth. Scientists are not supposed to talk about God this way, for it raises questions that can't be answered.

This is aesthetic design rather than intelligent design, but it is still design. And it ignores scientific explanations, such as E. O. Wilson's "biophilia" theory, which suggests that we evolved to find places like lakes and prairies attractive simply because they provided our ancestors with food and safety.

And neither Miller nor Giberson tell us what circumstances would make them abandon their belief in a personal God. Giberson, in fact, asserts that he cannot be wrong:

> As a believer in God, I am convinced in advance that the world is not an accident and that, in some mysterious way, our existence is an "expected" result. No data would dispel it. Thus, I do not look at natural history as a source of data to determine whether or not the world has purpose. Rather, my approach is to anticipate that the facts of natural history will be compatible with the purpose and meaning I have encountered elsewhere. And my understanding of science does nothing to dissuade me from this conviction.

This is creationist-speak, pure and simple. No real scientist would say that his theories are immune to disproof. And so Giberson's personal reconciliation, however edifying it is to him spiritually, must be intellectually unconvincing to the rest of us.

Besides his "aesthetic design" argument, Giberson offers another reason for his faith—we might call it the argument from convenience.

> As a purely practical matter, I have compelling reasons to believe in God. My parents are deeply committed Christians and would be devastated, were I to reject my faith. My wife and children believe in God, and we attend church together regularly. Most of my friends are believers. I have a job I love at a Christian college that would be forced to dismiss me if I were to reject the faith that underpins the mission of the college. Abandoning belief in God would be disruptive, sending my life completely off the rails.

This touching confession reveals the sad irrationality of the whole enterprise—the demoralizing conflict between a personal need to believe and a desperation to show that this primal need is perfectly compatible with science.

It would appear, then, that one cannot be coherently religious and scientific at the same time. That alleged synthesis requires that with one part of your brain you accept only those things that are tested and supported by agreed-upon evidence, logic, and reason, while with the other part of your brain you accept things that are unsupportable or even falsified. In other words, the price of philosophical harmony is cognitive dissonance. Accepting both science and conventional faith leaves you with a double standard: rational on the origin of blood clotting, irrational on the Resurrection; rational on dinosaurs, irrational on virgin births. Without good cause, Giberson and Miller pick and choose what they believe. At least the young-earth creationists are consistent, for they embrace supernatural causation across the board. With his usual flair, the physicist Richard Feynman characterized this difference: "Science is a way of trying not to fool yourself. The first principle is that you must not fool yourself, and you are the easiest person to fool." With religion, there is just no way to know if you are fooling yourself.

So the most important conflict—the one ignored by Giberson and Miller—is not between religion and science. It is between religion and secular reason. Secular reason includes science, but also embraces moral and political philosophy, mathematics, logic, history, journalism, and social science—every area that requires us to have good reasons for what we believe. Now I am not claiming that all faith is incompatible with science and secular reason—only those faiths whose claims about the nature of the universe flatly contradict scientific observations. Pantheism and some forms of Buddhism seem to pass the test. But the vast majority of the faithful—those 90 percent of Americans who believe in a personal God, most Muslims, Jews, and Hindus, and ad-

## And Even the Ampleness of the Flesh…

Not even the buxom blond in a G-string sitting at the beach in Szigliget
can cure me of my melancholy this stifling day, not even her breasts
or her hidden triangulated vulva, not the oiled and salted skin she has

prepared so carefully, not her breath of mint, not her practiced fingers
or insatiable nose, not even the well-intentioned syllables of Hungarian
she sends my way, or her beckoning thighs, no, there is nothing at all

I am willing to submit myself to this unenraptured dusk, I am lonely
as a dwarf at a basketball game, desireless as a pope, and I can only say
to those who have come here to be with me that it will be a long night

without much in the way of diversions, advantageous to those who are
able to fast or to pray, or quick on their feet, but without solace for the
rest of us, and that when she gets up to leave, this blond, the world will

suddenly seem emptier without good reason, the grasses will lie down
before her departing feet like the wheat of the pharaohs, and only
the summer air will know for certain what she has wrought, and why

there was no comfort in her being here, and why even her absence is
incapable of diminishing me, I who have been here all day, singing
and praying, speaking to my own body of God only knows what.

**MICHAEL BLUMENTHAL**



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herents to hundreds of other faiths—fall into the "incompatible" category.

Unfortunately, some theologians with a deistic bent seem to think that they speak for all the faithful. These were the critics who denounced Dawkins and his colleagues for not grappling with every subtle theological argument for the existence of God, for not steeping themselves in the complex history of theology. Dawkins in particular was attacked for writing *The God Delusion* as a "middlebrow" book. But that misses the point. He did indeed produce a middlebrow book, but precisely because he was discussing religion as it is lived and practiced by real people. The reason that many liberal theologians see religion and evolution as harmonious is that they espouse a theology not only alien but unrecognizable as religion to most Americans.

Statistics support this incompatibility. For example, among those thirty-four countries surveyed, we see a statistically strong negative relationship between the degree of faith and the acceptance of evolution. Countries such as Denmark, France, Japan and the United Kingdom have a high acceptance of Darwinism and low belief in God, while the situation is reversed in countries like Bulgaria, Latvia, Turkey, and the United States. And within America, scientists as a group are considerably less religious than nonscientists. This is not say that such statistics can determine the outcome of a philosophical debate. Nor does it matter whether these statistics mean that accepting science erodes religious faith, or that having faith erodes acceptance of science. (Both processes must surely occur.) What they do show, though, is that people have trouble accepting both at the same time. And given the substance of these respective worldviews, this is no surprise.

This disharmony is a dirty little secret in scientific circles. It is in our personal and professional interest to proclaim that science and religion are perfectly harmonious. After all, we want our grants funded by the government, and our schoolchildren exposed to real science instead of creationism. Liberal religious people have been important allies in our struggle against creationism, and it is not pleasant to alienate them by declaring how we feel. This is why, as a tactical matter, groups such as the National Academy of Sciences claim that religion and science do not conflict. But their main evidence—the existence of religious scientists—is wearing thin as scientists grow ever more vociferous about their lack of faith. Now Darwin Year is upon us, and we can expect more books like those by Kenneth Miller and Karl Giberson. Attempts to reconcile God and evolution keep rolling off the intellectual assembly line. It never stops, because the reconciliation never works. ◆

## Isaac Chotiner
# MISTER LUCKY

**OUTLIERS: THE STORY OF SUCCESS**
By Malcolm Gladwell
(Little, Brown and Company,
309 pp., $27.99)

In the winter of 1963, Hakeem Olajuwon was born to the owners of a cement business in Lagos, Nigeria. "They taught us to be honest, work hard, respect our elders, believe in ourselves," Olajuwon once said of his parents. In his middle-class childhood, Olajuwon played handball and soccer, but it was not until the age of fifteen that he was exposed to basketball. After entering his first tournament, he realized that he was remarkably skilled at the sport. Within two years he had arrived in Texas, where he played for three seasons at the University of Houston. In 1983, he won the NCAA Tournament Player of the Year Award; he also led the Houston Cougars to two straight NCAA championship games. As the number one pick in the NBA draft in 1984, he could boast of being chosen two spots ahead of Michael Jordan. NBA analysts now consider him to be one of the twenty best players in the history of professional basketball.

Olajuwon is just over 6'10." He perfectly exemplifies what might be called the Height Trumps Experience Rule, which I have just coined. This rule stipulates that people who are at least a foot taller than the average height will excel at a chosen sport, especially when height is an advantage in that sport. The rule also obtains when the individual in question discovered the game relatively late in life, and spent little time practicing during his or her youth. It sheds light on a variety of hitherto unexplained phenomena. I hope to be recognized for it.

I have done my best to tell Olajuwon's story in a Gladwellian manner, because it is an axiom of Malcolm Gladwell's method that a perfect anecdote proves a fatuous rule. *Outliers: The Story of Success* does not mention Olajuwon, but it does expound at length on people who distinguish themselves in their particular field, and can therefore claim the label of Gladwell's title. Gladwell does not attribute achievement to genetic gifts, which is nice. Instead he proposes that group dynamics and cultural legacies play a decisive role in determining how far human beings advance. He dislikes attributing individual accomplishment to the accomplishing individuals. He has set out to prove that people with social advantages do better than people without social advantages, and so the really wise thing for society to do is to arrange for more advantages for more people.

Gladwell is fond of quirky factors. The unexpectedness of his explanations often disguises their banality or their error. In his new book, he is particularly interested in examining the amount of time that must be spent honing a skill or a craft, although his larger point is that society frequently plays a role in providing people with the opportunity to do so. "The idea that excellence at performing a complex task requires a critical minimum level of practice surfaces again and again in studies of expertise," Gladwell reports. (I hope those studies did not cost too much.) After quoting a psychologist who said that Mozart spent ten years composing before producing a masterpiece, Gladwell goes a-quantifying: "And what's ten years? Well, it's roughly how long it takes to put in ten thousand hours of hard practice. Ten thousand hours is the magic number of greatness."

Much of this chapter, which is called "The 10,000-Hour Rule," focuses on Bill Joy, the co-founder of Sun Microsystems and one of the world's finest computer programmers. After he tells Joy's story, Gladwell turns to his interview with Joy: "'I was proficient by my second year [at Berkeley]. That's when I wrote programs that are still in use today, thirty years later.' He paused for a moment to do the math in his head—which for someone like Bill Joy doesn't take very long. Michigan in 1971. Programming in earnest by sophomore year. Add in the summers, then the days and nights in his first year at Berkeley. 'So, so maybe … ten thousand hours?' he said finally. 'That's about right.'"

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*The Tipping Point: How Little Things Can Make a Big Difference*, Gladwell's first book, defined three "rules" that allow fads, or social epidemics, to spread, or tip. The problem was that his examples often did not meet all his criteria, making them less like rules and more akin to conditions that sometimes accompany epidemics. Here he is more careful. "Is the ten thousand hour rule a general rule of success? If we scratch below the surface of every great achiever, do we always find the equivalent of the Michigan Computer Center?" He proposes that we "test" this rule with two examples, and that "for the sake of simplicity, let's make them as familiar as possible." One example is Bill Gates, who for a variety of reasons was able to practice programming continuously throughout his adolescence and early adulthood. The Beatles are his other example, and they practiced in Germany before coming to America. Gladwell strangely refers to this period as the "Hamburg crucible," and quotes one Beatles scholar, Philip Norman, as saying that it was "the making of them."

Put aside for a moment Gladwell's account of the Beatles' ascent to greatness. Gladwell wants us to believe that when Joy was asked how long he had spent programming, he managed to produce, without prodding, the Mozartean number of ten thousand hours. This anecdote casts Gladwell's mode of argumentation in rather a harsh light. By any reasonable estimate, Hakeem Olajuwon had spent significantly less than ten thousand hours playing basketball when he became one of the best college players in the country. If Bill Joy qualifies as evidence of The 10,000-Hour Rule, and Olajuwon counts as evidence of the Height Trumps Experience Rule, what are we to conclude from this disparity? About the roots of success, very little. But the conclusion is inescapable that the explanatory power of nifty little stories may be very limited. Unfortunately, Gladwell has chosen to live by them.

"Success" is a wild generality, of course. It comes in many forms and occurs in many realms; and each of those realms has its own standards and rhythms and methods. When one begins to bear down analytically on Gladwell's anthology of success stories, it is not at all clear how they go together. Is ten thousand hours of composing music really just like ten thousand hours of computer programming? And didn't Salieri also have ten thousand hours of composing music under his belt and remain notoriously without greatness? Maybe Gladwell's ten thousand hours means no more than that experience makes a difference; but such a lesson also falls short of greatness. Gladwell's association of greatness with success is a fundamental and revealing error—a characteristic illusion of our era of winner-worship. In the cult of winning, Gladwell is a high priest.

Gladwell's tidings about the origins of success would have amused Richard Hofstadter. In *Anti-intellectualism in American Life*, Hofstadter explored how the story of business in America became intertwined with the idea of the self-made man: "The topmost positions in American industry, even in the most hectic days of nineteenth-century expansion, were held for the most part by men who had begun life with decided advantages. But there were enough self-made men, and their rise was dramatic and appealing enough, to give substance to the myth.... The horizons of experience were scanned eagerly for clues as to how this transformation could be accomplished." Here Hofstadter introduced his readers to the role of self-help books in furthering the "self-made" narrative. "Self-help was discipline in character," he observed. "The self-help literature told how to marshal the resources of the *will*—how to cultivate the habits of frugality and hard work and the virtues of perseverance and sobriety."

One of the most important facets of American self-help literature was its rejection of the idea of genius. "The conception of character advocated by the self-help writers and the self-made men explicitly excluded what they loosely called genius," Hofstadter wrote. "The prevailing assumption in the self-help literature was that character was necessary and remarkable talents were not." Norman Vincent Peale, in *The Power of Positive Thinking*, his influential manual on achieving the good life, captured this attitude perfectly when he told the edifying tale of a C-student who dreams that he can earn As like his brother. Not only did the brothers' distinct academic careers have little to do with genius or intelligence, Peale proposed, but they also in no way prefigured which sibling would succeed in the real world. With hard work and inner fortitude, anyone could prosper. It did not elude Hofstadter's notice that this theory of success often tended to slight the value of liberal education, and could therefore be identified with anti-intellectualism.

Hofstadter's discussion of self-help in modern America occurs in the broader context of a chapter on business, which, he observes, has often been viewed by intellectuals as the "classic enemy" of intellectualism. "Businessmen themselves have so long accepted this role that by now their enmity seems to be a fact of nature," he remarked. "No doubt there is a certain measure of inherent dissonance between business enterprise and intellectual enterprise: being dedicated to different sets of values, they are bound to conflict; and intellect is always potentially threatening to any institutional apparatus or to fixed centers of power." Hofstadter understood, though, that historical events could ameliorate the tension between businessmen and intellectuals. In the past dozen years of economic growth, which ended in December 2007, the unease that Hofstadter detailed was less evident than it had been in any other era in recent American history.

When Malcolm Gladwell began writing for *The New Yorker* in 1996, the economic "boom" had reached the stage where its effects could be glimpsed in the culture and even the language of the country. Robert Rubin and Alan Greenspan were celebrated as intellectual giants who transcended the worlds of finance and politics. The expansion was so astounding as to seem arcane; and the time was ripe for a writer to explicate the seemingly mysterious phenomena, and to instruct readers—especially in the business community, which is always looking for a new theory of the deal—in the arts of all this epoch-making marketing. At just the right moment he came along and in disarmingly affectless and *faux-naif* prose adapted the work of academics and sold it to a mass audience. Historians will look back on his books as primary documents of their dizzily materialistic day.

*Outliers* argues that American society has a limited and misleading understanding of how and why people succeed. Gladwell never precisely defines what he means by "success," but most of his examples center on people who have risen to great heights in their professional careers. His book adopts the classical reassurances of the self-help line about the irrelevance of personal endowments and talents—indeed, it goes so far in its rejection of the power of individual intellect that it becomes itself an exercise in anti-intellectualism. (The subtitle of *Blink*, his second book, was "The Power of Thinking Without Thinking." There's an ideal!)

But Gladwell's new book is intended as a rejection of the self-help ideal. He aims to turn the reader's attention away from factors such as willpower and fortitude, away from personal qualities altogether, and toward the social settings in which people operate. Bill Joy may have



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been an intelligent college student, but he also attended a school that was extremely accommodating to his needs. (He could program endlessly because of a bug in the college's time-sharing system.) "Before he could become an expert," Gladwell writes, "someone had to give him the opportunity to learn *how* to be an expert." So Gladwell is turning the old self-help paradigm on its head: you need the will to practice your craft, to be sure, but it is the context that will decide. And by focusing on social dynamics, Gladwell once again displays impeccable timing: extensive social science research has recently detailed the importance of social networks in understanding everything from the Internet to international terrorism.

Gladwell's overarching thesis in *Outliers* is so obviously correct that it hardly merits discussion. "The people we surround ourselves with have a profound effect on who we are." Also, tomorrow is the beginning of the rest of your life. Gladwell writes as if he is the only person in the world in possession of this platitudinous wisdom. The central irony of *Outliers* is that, Gladwell's discomfort with the self-help genre notwithstanding, he has written a book that conforms to it perfectly. This is a motivational manual. It is larded with inspirational stories, and with interactive games to capture the reader's attention—with handy charts and portentous graphs. Its language puts one in mind of, say, Tony Robbins. (On his blog Gladwell recently referred to two speaking engagements on his book tour as "shows.") We are in guru-land here. "We're going to conduct a crash investigation," Gladwell exhorts—a little tastelessly—near the start of a chapter on plane wrecks. Occasionally he tells the reader to write things down. Sometimes he preaches hope: "The world could be so much richer than the world we have settled for." *Sí, se puede*. His stories display the mild melodrama of all inspirational books: they are either uplifting or tragic (and therefore also uplifting). One subject's tale is called "heartbreaking" three times in less than six pages.

Gladwell touched on some of these themes, and produced some of these same effects, in his previous books. In *The Tipping Point*, he referred to The Power of Context, the idea that "human beings are a lot more sensitive to their environment than they may seem." There he cited a number of well-known studies, the most infamous of which was probably the Zimbardo Stanford Prison Experiment. In that experiment, students were chosen as either guards or prisoners in a mock prison, and in less than a week the guards began to terrorize the increasingly unstable inmates. Gladwell used the results to show that external conditions greatly affect human behavior. I know of no individualist who would dispute such a finding.

*Outliers* begins with the history of Roseto, a small town in the Lehigh Valley region of Pennsylvania. A doctor named Stewart Wolf spent time in Roseto in the 1950s, and was shocked to find that there were almost no incidents of heart disease in people under the age of sixty-five. Most Rosetans were first- or second-generation Italian immigrants who cooked with lard and ate copious amounts of rich Italian desserts. Many of them had weight problems. But Wolf and a sociologist friend had an explanation for the heart-disease statistics. "In transplanting the *paesani* culture of southern Italy to the hills of eastern Pennsylvania," Gladwell explains, "the Rosetans had created a powerful, protective social structure capable of insulating them from the pressures of the modern world. The Rosetans were healthy because of where they were *from*, because of the world they had created for themselves in their tiny little town in the hills." So Roseto was an outlier. "I want to do for our understanding of success," Gladwell announces, "what Stewart Wolf did for our understanding of health."

The strongest evidence for Gladwell's argument comes under the rubric of something he calls the "Matthew Effect," which derives its name from a passage in the Gospel of Matthew: "For unto every one that hath shall be given, and he shall have abundance. But from him that hath not shall be taken away even that which he hath." Roger Barnsley, a Canadian psychologist, noticed something odd about the birthdays of Canadian hockey players. It did not matter whether he looked at professional players or elite junior-leaguers: 40 percent of them were born in the first trimester of the year, and 30 percent of them were born between April and June. The cutoff date for admission in Canada's youth hockey league is January 1, which allows pre-teen hockey players born in January and February to compete with kids who are as much as eleven months their juniors. The older players, generally more physically developed and skilled, get selected for all-star teams. "And what happens when a player gets chosen for [an all-star team]?" Gladwell asks. "He gets better coaching, and his teammates are better, and he plays fifty or seventy-five games a season instead of twenty games a season like those left behind." Circumstances matter. What begins as a slight age advantage becomes a self-fulfilling prophecy. Gladwell acknowledges that the people who rise to the professional level in hockey are also talented athletes, but what fascinates him, what he wishes to bring to the attention of people looking to succeed, is the web of elements outside their own control. This is self-help that does not think very much of the self.

Another chapter tells the story of Chris Langan, whom Gladwell describes as a "celebrity outlier" and, oddly, as the "public face of genius" in American life. Langan taught himself to read at the age of three, and at sixteen he had consumed the *Principia Mathematica*. (Bertrand Russell was a fitting choice: the five-year old Langan had harangued his grandfather with questions about the existence of God.) Langan's IQ was actually too high to be measured, but Gladwell shows that Langan was raised in a difficult environment. His father was absent. One step-father committed suicide, another was murdered, a third drank too much. Langan even lost his college scholarship because of a paperwork mishap. Although he eventually won one-quarter of a million dollars in game-show money, he never recorded the spectacular achievements that had once appeared within his reach.

Gladwell proceeds to compare Chris Langan's life to J. Robert Oppenheimer's. Oppenheimer attended Harvard and Cambridge, battled serious depression, and even tried to poison his physics tutor with stolen chemicals. But despite his controversial political connections and a lack of professional experience, he managed to charm Leslie Richard Groves, the military officer in charge of the Manhattan Project. Gladwell attributes this charm to Oppenheimer's childhood and background, which were more stable than Langan's and enabled Oppenheimer to develop "practical intelligence"—social skills useful in navigating the "real world." "If you are someone whose father made his way up in the business world," Gladwell explains, "then you've seen, firsthand, what it means to negotiate your way out of a tight spot. If you're someone who was sent to the Ethical Culture School, then you aren't going to be intimidated by a row of Cambridge dons arrayed in judgment against you." (Kai Bird and Martin Sherwin, whose Oppenheimer biography is Gladwell's main source, might quarrel with such an account, and attribute more of Oppenheimer's indefatigability to internal resolve.)

Much of the remainder of *Outliers* is taken up with more and less believable explanations of how social networks affect individuals, but gradually the focus



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becomes clouded. Gladwell has a long chapter on "The Ethnic Theory of Plane Crashes." Why was it that Korean Air's flights were crashing seventeen times as often as United Airlines' flights? South Korea has a notably high "Power Distance Index," which is measured by how often employees are willing to question their bosses, and by how much fear is exhibited toward those with greater social standing. When problems arose in the cockpit of Korean Air planes, pilots were frequently shown too much deference, and underlings were afraid to speak up. Eventually Korean Air brought in an expert from Delta, and he forced company employees to focus on their cultural legacies, and how those legacies affect flight performance. Here Gladwell seems to have amplified his collective explanation for individual achievement to tell us that societies, too, are affected by their shared histories. Society is socially determined. Well, yes. I have no idea what this chapter is doing with the rest of the book, except that its author thinks it is cool.

Often Gladwell's discussions are not internally coherent. He wants to know why students in East Asian countries score well on math tests. He introduces the topic with a long digression on rice cultivation. Comparing East and West, he instructs: "In Japan or China, farmers didn't have the money to buy equipment.... So rice farmers improved their yields by becoming smarter, by being better managers of their own time, and by making better choices.... Throughout history, not surprisingly, the people who grow rice have always worked harder than almost any other kind of farmer." And this hardship was partially redeemed by "the nature of that work.... It was *meaningful*. The harder you work a rice field, the more it yields." When he belatedly turns to the topic of Asian success at math, he does not make any effort to connect it to his discussion of rice paddies, even though he views high test scores to be the direct consequence of toiling in the paddies. "The genius of the culture formed in the rice paddies is that hard work gave those in the fields a way to find meaning in the midst of great uncertainty and poverty," he writes. "That lesson has served Asians well in many endeavors but rarely so perfectly as in the case of mathematics." This is the sort of generalization about cultural and national character that can easily be put to very nasty uses.

By the time Gladwell reaches his penultimate chapter, he is in full inspiration mode, and impervious to all forms of critical thinking. He tells the story of Marita, a Bronx student from a single parent home, who attended a KIPP (Knowledge Is Power Program) school. "Marita just needed a *chance*," Gladwell explains with homiletical emphasis. "And look at the chance she was given!" Gladwell believes that KIPP—a network of charter schools with more than fifty campuses nationwide—has "succeeded by taking the idea of cultural legacies seriously." Test scores for socio-economically disadvantaged children tend to suffer more from a long summer break, presumably because, as Gladwell explains, "privileged kids learn while they are *not* in school." For poor children, "America doesn't have a school problem. It has a summer vacation problem, and that's the problem the KIPP schools set out to solve." KIPP did so, Gladwell claims, by extending the school day and instituting a mandatory summer school program.

Unfortunately, many education experts would attribute KIPP's success to more than the extra-long hours. According to a recent report from the Education and the Public Interest Center, there is "no strong evidence" linking KIPP's impressive results to extra time in the classroom. And when Gladwell observes that "[KIPP] decided to bring the lessons of the rice paddy to the American inner city," he, well, muddies his argument. There are no rice paddies in the Bronx. Collective memory is hardly a more vivid element in the lives of young people than their own temperaments and aptitudes, and the way they actually live and act. KIPP schools may take cultural legacies more seriously than other schools do, but I expect that this extra attention is likely the result of looking at the same test results—taken in America, before and after summer vacation—that Gladwell adduces in his book. Even more absurdly, Gladwell traces the typically American concern that children work too hard to Western agricultural practices, because Western wheat fields were allowed time to fallow, ensuring that the soil remained fresh. "This is the logic," Gladwell says, that "the [pre-KIPP] reformers applied to the cultivation of young minds." So one theory of cultivation leads to another theory of cultivation, and for no reason other than that the word is the same.

It is Gladwell's discussion of IQ that gives the clearest window into his thinking, and also most acutely exposes the problems with this shallow and irritating book. Gladwell proposes a "threshold" theory of IQ tests, which he introduces by saying that "the idea that IQ has a threshold, I realize, goes against our intuition." He uses this theory, which posits that once your IQ reaches a certain threshold it ceases to matter what score you earn, to defend the affirmative action program—upheld by the Supreme Court six years ago—at the University of Michigan's law school. According to research to which Gladwell alludes, minority students who graduated from the law school performed as well as white students in the professional world. It did not matter whether the minority graduates had less impressive academic credentials upon admission, because they reached the threshold. His argument here is sometimes confusing—is he talking about IQ tests or grades? Does Michigan give its students IQ tests before admitting them?—but otherwise it is clear enough.

## The Public

The no one of it
is everywhere.
It is a high rise that
is itself a wall
of windows all
but one of which
half way up is dark,
rising above the locked
gate against which
a stray page of the day's
disasters has been
blown flat, trembling
against the iron
bars as if trying
to pass through or
over them, like a
fugitive the dogs
are closing in on,
wanting in, wanting
for God's sake someone
to take him in, as if
that sole blue light
above were safety,
except it isn't
safety, is it,
it's the news
on television, the same
news of the same
day—it is news
calling out to news
as pixel to print
to pixel over circuits
and atonal air ways
that someone earlier
left on before leaving
to make it seem
as if someone were home.

**ALAN SHAPIRO**



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Unfortunately it is buried beneath more claims about society. "We think that, say, Nobel Prize winners in science must have the highest IQ scores imaginable," Gladwell flatly states, before going on to patiently explain that many Nobel Prize winners do not go to Harvard. In a footnote, he admits that in fact Harvard "produces more Nobel Prize winners than any other school." Finally, he adds: "But wouldn't you expect schools like Harvard to win more Nobels than they do?" Here is the Gladwell method nicely on display: a questionable assumption, a partial walk-back of an earlier claim, and finally another questionable assumption synthesizing the half-reversal. The upshot is the mundane observation that Harvard produces more Nobel winners than anyone else, but not too many more. Gladwell wants to be provocative *and* inoffensive. It is, in fact, his special gift.

Gladwell thinks that there is something "profoundly wrong with our idea of success," but he never provides an explanation of what idea of success he means. In an early chapter, he quotes Jeb Bush saying that being the son of a president is actually a disadvantage to one's business career, and notes that the former governor referred to himself as a "self-made man." "[I]t is a measure of how deeply we associate success with the efforts of the individual that few batted an eye at that description," Gladwell claims. One wonders why he is so certain that the Americans who heard this absurd comment did not "bat an eye." Nor does he grasp that the individualist gospel that he rejects is more reassuring and more inspiring to most Americans than the social luck that he celebrates.

Gladwell appears to believe that a renewed social Darwinism has taken over the United States. In this vision of America, IQ scores are fetishized, admittance to Harvard is the only measure of a man, and the historical legacies of racism and poverty are entirely ignored. Fortunately, Gladwell is around to remind us that success is determined by more than inner strength, though his readers may be forgiven for resigning themselves to the Harvard determinism. Gladwell is rather a slippery writer; he does not make philosophical commitments. Some people who read *Outliers* may argue that he gives too little credit to individual resilience. Others may contend that he manages to find a near-perfect balance in weighing the internal and the external. What almost no one would dispute is the boring truism that both factors play tremendous roles in shaping the life of every individual. Maybe the Bush years have left common sense looking like dissidence, but common sense is the most that the outlier Malcolm Gladwell has, in the best of circumstances, to offer. Even when his thinking is right, it is weak. ◆

## Edward Glaeser
# FORECLOSING THE CRISIS

**THE HOUSEHOLD: INFORMAL ORDER AROUND THE HEARTH**
By Robert C. Ellickson
(Princeton University Press, 272 pp., $24.95)

An economic maelstrom has struck the world. The Dow Jones Industrial Average dropped by 35 percent between last New Year's Eve and the start of this year's somewhat bleaker holiday season, making this the worst year for stocks since 1931. The crisis has already been responsible for massive political change, carrying in not only a new president but also a new appetite for large-scale government action. Who would have thought, a year ago, that America would be seriously considering a semi-nationalization of the automobile industry?

This crisis, which has buffeted every bourse and rocked every government, had humble origins. It began with ordinary homes in Las Vegas and Miami and Cleveland. The arcane magic of mortgage-backed securities meant that few observers realized just how sensitive the entire world had become to fluctuations in the American housing market, but that is exactly what happened. The troubles began, as is well known, in the subprime market, where a bout of extreme optimism led investors to think that the dross of no-down-payment loans to high-risk borrowers could be transformed into the gold of triple-A securities.

As mortgages began to default, the owners of mortgage-backed securities became de facto homeowners, acutely sensitive to the price of housing. Rising defaults, not coincidentally, were accompanied by falling prices. Between January 2000 and July 2006, the Case-Shiller home price index rose by 126 percent, the biggest nationwide boom in the history of housing. Between July 2006 and September 2008, housing prices dropped by 23 percent. Falling prices encouraged more defaults, since many homeowners owed far more than their homes were worth. Lenders' liens became worth less and less.

Waves of policy proposals followed the path of financial disaster. First, there was a hue and cry to reduce the suffering inherent in millions of foreclosures. Then the banking crisis, created by the collapse in the mortgage market, led to billions of dollars of "emergency injections" to shore up the banking system. Now, the next administration is discussing a trillion-dollar fiscal stimulus to limit the damage of a full-fledged recession.

If housing policies are to be wiser in the future than they have been in the past—and they had better be—then they must be based on a better understanding of housing and housing markets. Robert Ellickson's new book is a good place to start. In 1975, Ellickson wrote a seminal analysis of zoning law that described the beginning of a great change in American property rights. In the 1960s, he showed, the ability to build in much of America was relatively unlimited; but over the last forty years, increasingly stringent land-use controls have enabled neighbors to veto more and more projects, which has reduced construction and increased prices in America's most desirable areas. In 1991, he wrote the classic *Order without Law*, which jump-started a legal literature on extra-legal arrangements that settle disputes and establish rights. Now *The Household* brings together his long-standing interest in housing with his interest in informal contracts.

Ellickson wrote his book before the current crisis. He pays more attention to Fourier and kibbutzim than he does to mortgage lenders. His core argument is that households are delicately derived institutions that manage to work well with only a modest dependence on formal law. Intimacy and blood ties help households function; or to put it slightly differently, "attorneys who contribute to the legalization of home relations typically not only waste the fees that their clients pay them, but also debase the quality of life around the home." The legal arrangements that matter most, such as homeownership, are

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finely crafted to "reduce the transaction costs of coordinating domestic life."

Ellickson's book represents a skillful use of the analytical tools of the law-and-economics movement to understand relations within the household—a complicated machine for living that involves a large number of joint decisions. When decisions about a home are made by people who do not particularly care for one another, costly conflict can easily ensue. Anyone who has had an unfortunate flatmate should understand the coordination problems inherent in joint control over space. Landlords and tenants often fight over maintenance. Co-op board members frequently debate which social qualifications for a residence are most crucial. Mortgage lenders lose out if homeowners treat their houses poorly.

The current foreclosure crisis is an extreme example of an Ellicksonian fight over household space. Delinquent homeowners want to inhabit and to control their homes. Lenders want to get them out and to limit the damage done to the property. During the foreclosure process, home occupants have no reason to invest in their homes. Indeed, spite sometimes pushes them to abuse the property. Ellickson's logic suggests that such periods ensure an abuse of the housing stock, which is one reason why homes often lose close to half of their value when they go through foreclosure.

One current policy response to the housing debacle is to create lengthy foreclosure moratoria. Ellickson's analysis suggests that this is just about the worst of all possible policy responses. By drawing out the foreclosure process, these moratoria increase the time during which homes are no-man's-land. During such periods, homes and neighborhoods depreciate. A better policy would move the home quickly, either back into the hands of the owner with a new, more realistic mortgage, or into the hands of a new owner that can afford the house.

Why can't lenders and borrowers quickly come to arguments that would reduce the costs of foreclosure? Ellickson strongly emphasizes the problems inherent with the diffuse ownership of homes. The same logic applies to diffuse ownership of mortgages. The securitization process spreads property rights across hundreds of investors separated by oceans and continents. Mortgages are being handled by servicers, not by conventional banks, many of whom have little expertise at wisely handling delinquent loans. The servicers are scared of being sued by the security owners that they represent. For this reason, they follow rules of thumb that lead to evictions that could have been avoided.

In an ideal world, the foreclosure crisis would be resolved by local banks that would buy up bad mortgages, and then use their skills to get the most value out of delinquent mortgages. Certainly, many mortgage-backed securities are now so cheap that it is hard to believe that there aren't such profit opportunities. But this process has not happened, and it is hard to imagine how it could. Like Humpty Dumpty, the mortgages are in too many pieces to be put back together again.

The best that can be done, I think, is to create an as-if situation that gets servicers to act like local banks. Ideally, a set of sensible rules could lead to renegotiating the mortgages of people who can pay for their homes and speedy evictions of people who bought more than they can afford. If the government sets a series of rules that give servicers safe harbor from lawsuits, then the whole process can be made more efficient. For example, the rules might specify a simple test that determines whether the current occupant can plausibly support the home. If thirty percent or less of the current owner's income can pay for reasonable mortgage payments, marked down to the level implied by current housing prices and interest rates, then the owner can afford the house. If the owner can afford the house under those terms, then the loan should be renegotiated, since that is pretty much all that the house could generate in the best of circumstances. If the owner cannot afford the house, even at today's lower prices and interest rates, then the owner should be quickly moved out.

Such an arrangement would be fair all around. If lenders agreed to cut interest rates to current levels, and reduce principal in proportion to the level of housing price declines, then they should be rewarded with a share of the upside. Fully one-half of any future price appreciation, for example, could be shared between the lender and the owner. Ellickson would presumably warn us that this arrangement would reduce owners' incentives to care for their home. To address this problem, the lenders' share of appreciation could be based on the average price increase in the zip code, rather than the actual price of the home.

To reduce the human suffering of speedy evictions, the government could give people who lose their homes a lump sum payment, perhaps $5,000, a relatively modest sum that would help at least to offset the costs of moving and finding a rental unit. For current foreclosures this sum would be paid for by taxpayers; it would be small beans relative to most proposed housing programs. In the future, this payment could be funded with an appropriate tax, tied to the riskiness of new mortgages. If the payment was contingent on the house being left in good order, this would reduce the incentives to abuse the housing stock.

Simple rules, rather than judicial discretion, have the best chance of improving the foreclosure process. Some have suggested that bankruptcy courts should be able to re-write, or cram down, mortgage terms for primary homes. Ellickson's warnings about legal fees and transaction costs should scare us away from that idea. If individual judges adjust every mortgage on an ad hoc basis, the system will become more costly, less predictable, and less fair.

Ellickson's clear thinking can improve both the foreclosure process and the long-standing housing policies that helped us to get into this mess. During the giddy years that came before the Great Depression, government policy was guided by Calvin Coolidge's maxim that "the business of America is business." During the giddy years that preceded the great housing bust of 2008, government policy followed George W. Bush's view that "the more ownership there is in America, the more vitality there is in America." Housing policies, most of which long preceded the election of 2000, ardently promoted the homeownership rate, which peaked at 69.2 percent at the end of 2004.

Since the New Deal, the government has promoted housing and homeownership by means of subsidizing borrowing. The Home Mortgage Interest Deduction makes it cheaper for wealthy itemizers to borrow to buy more expensive homes. Fannie Mae and Freddie Mac provide mortgage insurance at subsidized rates. The Community Reinvestment Act pushed banks to lend to lower income homebuyers. Subsidizing borrowing is so attractive to politicians because its looks like a free lunch. Borrowing at Treasury rates and then lending at slightly higher rates seems to allow the government to do well by doing good. Of course, this free lunch is an illusion. The government can only offer below-market rates by taking on the risks of defaults. Taxpayers are currently paying for the costs created by Fannie and Freddie.

The popularity of subsidizing borrowing has led some to advocate a new round of federally subsidized lending, perhaps at an interest rate of 4.5 percent, aimed



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at pushing housing prices back up. But nothing is going to bring back the boom days of 2006. On average, housing prices go up between 3 percent and 5 percent when interest rates fall by 1 percent. A big loan program that pushes lending rates down to 4.5 percent would probably lead to a price boom of less than five percent. Such a modest impact would be barely noticeable in markets that have lost more than one-fifth of their value in the last year. It certainly would do little stem the tide of foreclosures. Housing in America is a $20 trillion market. It is no more plausible that the government will be able to bring housing prices back to bubble-like prices than it was for Herbert Hoover, or Franklin Roosevelt, to bring stock prices back to their 1929 levels.

I doubt that the government should try to make housing more unaffordable to ordinary Americans, even if it could manage that trick. Higher prices would just mean more overbuilding in places such as Las Vegas, which already have a glut of homes. In almost all cities, prices are still far above 2000 levels. Why is unaffordable housing now a national desideratum? The most recent housing boom made some of America's most economically dynamic and beautiful places unaffordable to ordinary Americans. Higher housing prices made it difficult for young and middle-income families to get by in America's costly coastal regions. There is much to like about housing's return to reality, not least its increased affordability, and much to dislike about artificially trying to make homes expensive.

Moreover, credit subsidies can be quite regressive. The Home Mortgage Interest Deduction is poorly targeted toward lower-income Americans who are on the margin between renting and owning; its benefits go mainly to the rich. In markets where housing supply is more or less fixed, subsidizing borrowing just pushes up prices, which means capital gains for existing homeowners, not increased housing affordability. In more flexible markets, the deduction encourages over-building and over-borrowing.

In the midst of today's housing crash, certainly, subsidizing borrowing looks particularly foolish. The government essentially encouraged Americans to leverage themselves to the hilt and bet on housing markets. Now a lot of those erstwhile owners have lost everything. Why exactly does it make sense to subsidize gambling on home prices?

Ellickson's book pushes us to think more clearly about the benefits and the costs of homeownership. His book makes sense of one of the most striking facts in the homeownership literature: the extremely tight relationship between structure type and ownership. Roughly 87 percent of all single-family detached homes are owner-occupied. Roughly 87 percent of all homes in buildings with five or more units are rented. Multi-family dwellings have common spaces, such as lobbies, and common infrastructure; sharing joint control over these things can often be quite difficult. Landlord control over large buildings irons out the difficulties of dealing with the cacophony of collective control.

The connection between homeownership and structure type implies that when the federal government gets into the business of supporting homeownership, it also gets into the business of supporting single-family detached homes—and this means supporting lower-density living. New Yorkers have converted plenty of rental units into co-ops, but still 77 percent of the households in Manhattan rent. The government's big post-war push into homeownership was inevitably also a push to suburbanize. You do not need to be an enemy of the suburbs to wonder why the government is implicitly urging Americans to drive longer distances and flee denser living.

By pointing out all of the benefits that come from avoiding the difficulties of landlord-tenant relationships, Ellickson led me to wonder whether we really needed to subsidize homeownership at all. After all, homeownership is common in many societies that lack homeownership subsidies. Moreover, the current system works in ways that can actually increase incentive problems in the home. When homeowners invest little of their own equity, then the benign incentives created by homeownership disappear, because it is the lender, not the owner, who faces the risks of a price collapse. Yet subsidizing lending pushes leverage up, and brings owners closer to the default margin, where they start having incentives to take on more risk.

This problem gets even worse when housing prices are set to decline. Ellickson notes that many lenders require that home-buyers pay for one-fifth of their home with their own cash. That cushion is thought to be enough to ward off the dangers of default, but that is not the case when we are at the top of a housing bubble. On average, for every dollar that prices rise over five years, relative to local and national trends, they go down by thirty-two cents over the next five years. In markets that have more than doubled over a five-year interval, lenders should expect declines that will wipe out any 20 percent margin. Federal policy should protect taxpayers against having to pay for over-extended banks, instead of subsidizing ever more leverage.

What, then, should be done to make housing more affordable? Again, I think that the Ellicksonian focus on property rights points the way. Over the past forty years, as Ellickson presciently noted in 1975, land-use controls have steadily eroded landowners' rights to build on their property. As new construction in expensive areas declined, prices rose. The collision of robust demand and restricted supply caused prices to skyrocket in America's most attractive areas, such as coastal California and Manhattan.

In some cases, these controls were motivated by local environmental concerns. The problem is that local environmentalism is rarely good environmentalism. When local land-use controls stop development in coastal California, this does not slow the pace of new development. It merely moves new development elsewhere, to places where landowners can still freely build. Unfortunately, places with less restrictive controls, such as Houston, have browner sources of energy and less temperate climates. A new home in Texas uses a lot more energy than a new home in California. But when California environmentalists shut down new construction around the San Francisco Bay, they push development to the suburbs of Houston. The net result is that California's land-use restrictions make housing unnecessarily expensive and increase carbon emissions.

Rather than credit subsidies to increase borrowing, it would make more sense to re-think land-use controls. There are certainly legitimate reasons to regulate building, but it seems to me that many jurisdictions have gone too far, putting their own parochial interests first. Perhaps housing policy would do better to create real affordability by eliminating the barriers to building, rather than just inducing lower-income Americans to leverage themselves and bet more on housing.

Houses are most Americans' most important asset. They are the stages on which we live our lives. And so housing policy is worthy of intense attention—but until the current crisis housing policy existed in the netherworld of the more unglamorous public pursuits. Perhaps our present-day troubles will create the opportunity to produce better housing policies, or so I hope. Robert Ellickson's ideas can certainly help. ◆



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## Washington Diarist

# Change Arrives

What an antithetical moment this is, what an hour of cheer and dread. There is too much history, and it gives as much ground for hopelessness as for hope. Reason is returning to our government even as our government is beset by problems that seem to defy reason. Washington is consumed by bailouts and parties. Everybody is looking for a piece of the action and experiencing the fierce urgency of now, or FUN. The new president is throwing himself into the reconciliation business, but it is still unclear whether he is prepared to make enemies and to keep them, which is a condition of leadership. It is all very graceful and intelligent and exciting—and ambiguous, and detached from the austerity and the adversity in the country and abroad. Obama wants to be Lincoln and he wants to be Roosevelt, but who, exactly, is Obama? We will know more soon. "Change" is finally here. Almost everywhere one looks, one sees an occasion for grand historical action; but I have a hunch that we are about to be taught a lesson about the mutability of the world.

If I am dour, it is not least because of Gaza. The justice of the Israeli campaign against Hamas and its rockets is plain to me, but I am eaten by a feeling of its futility. It is not within Israel's power to determine the outcome of the Palestinian civil war, but it is within the power of the Palestinian civil war to injure Israel. Perhaps this war will cripple Hamas sufficiently to deter it, as Hezbollah was deterred by the war of 2006, which was not quite the failure that it is renowned to have been. A tranquil southern border would be a considerable achievement. And it would be absurd if Israel, or Egypt, or Israel and Egypt together, did not destroy those tunnels, which originate, strategically speaking, in Tehran. Yet the moral situation is not simple, not even in a war against the darkness of Hamas. "The restoration of deterrence" is a fancy phrase for a reputation for cruelty. A great deal has been written in recent weeks about proportionality. I confess that I have never known how to make those calculations; I lack the ethicist's expertise. In war, obviously, it is better to be stronger: victory is disproportionate. Also obviously, proportionality is not an arithmetical matter: as Michael Walzer recently explained, it is instead a measure of "the value of the end-in-view." Hamas's rockets must be stopped, but how many civilian deaths may be tolerated in the effort to stop them? When do the numbers embarrass the values? So far in this war, 1,060 Palestinians and 13 Israelis have been killed. I am very grateful for that low number: it represents the seriousness with which Israel approaches the protection of its citizens, and I have friends whose children are under arms in Gaza. This is my people, my side. Yet the disparity between the numbers is troubling, and surely it, too, is morally pertinent. The premise of Israel's campaign seems to be that suffering will change the Palestinians. My own impression of people in pain is that it makes them more, not less, like what they are; and the history of nationalism, Jewish nationalism included, illustrates how much hardship people will endure for their conception of their destiny. Anyway, the diseased appetite for martyrdom that is Hamas's contribution to the Israeli-Palestinian conflict will find in the miseries of its people only the fulfillment of its dreams. A great scholar of medieval Christianity once observed that "perhaps the apocalypticist might better be described as one on the lookout for crisis, rather than one who merely reacts to it when it happens."

I note with consternation also the increasing coldness with which Israel's struggle for safety is treated. Some months ago the cover of *The Atlantic* cleverly asked, "Is Israel finished?" This week the declinist discourse about Israel really took flight. "Why Israel can't win," proclaims the cover of *Time*, and inside the issue the headline of the piece, by one Tim McGirk, escalates the pessimism: "Can Israel survive?" The old discussion of the viability of a Palestinian state is turning into a new discussion of the viability of a Jewish state. Beware of this, because the question of viability is a not-too-distant cousin of the question of legitimacy. Nowhere in *Time*'s piece, or in any of the other pieces in any of the other journals that express all the proper anxieties about what the Israeli army can and cannot accomplish in Gaza, is a more effective way of putting an end to Hamas's aggressions proposed. And nowhere in this piece is there any indignation about Hamas, about its vision or its violence. It appears that Hamas is so outrageous that it no longer provokes outrage. Its madness is accepted factually, in a sexy spirit of realism. The piece concludes with this: "Israel eventually will have to pull back to the 1967 borders and dismantle many of the settlements on the Palestinian side, no matter how loudly its ultra-religious parties protest. Only then will the Palestinians and the other Arab states agree to a durable peace. It's as simple as that." About the pullback and the settlements: this is perfectly platitudinous, but I concur; and Israel's ultra-religious parties can indeed be damned. But is it really as simple as that? What is the Palestinian responsibility in the establishment of peace? Is it not the case that for a large number of Palestinians, and for all the territory ruled by Hamas, the only contribution that Israel can make to a durable peace would be to agree to its own extinction? Is it not also as simple as *that*? "I am for peace," says the Psalmist, "but when I speak, they are for war." Not all of them, to be sure, but a lot of them; and enough of them to make of peace an illusion.

On a quiet corner at the edge of Georgetown, across from an old African American church, there stood a massive stone statue of St. Florian, in Roman imperial uniform and with his bucket in his hands, pouring water—the distinguishing attribute of the patron saint of firefighters. The proprietor of the shop that put the statue on the street told me that it came from Eastern Europe, where Florian is venerated. There it stood for many months, apotropaically, until one night it was mutilated, broken in half, and now only the lower torso remains, and the bucket and the water. It strikes me that the bucket and the water will do, even if they are not everything. Assistance need not always come as transformation. Sometimes it is enough to inaugurate just the end of a fire.

*Leon Wieseltier*



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*You deserve a factual look at . . .*

# Jerusalem (1)

## Whose city – whose "holy city" – is it?

It's been over forty years since Israel's victory in the Six-Day War in 1967 that the city of Jerusalem, which had been divided for nineteen years, has been reunited under Israeli rule. But there is still much talk that the "Middle East problem" cannot be solved unless the city, or at the very least its eastern part, be "returned to its rightful owners," the Muslim Arabs. In fact, this claim for Jerusalem, together with the "return" of the 1948 refugees, whose descendants have miraculously swollen to 5 million, are posited as "non-negotiable demands" in discussions with the Arabs.

### What are the facts?

**A city of many nationalities.** Before the end of the 1967 Six-Day War, during which the Israeli Defense Forces re-conquered Jerusalem from the Jordanians, claims to Jerusalem being a Muslim holy city were rarely, if ever, asserted. Jerusalem had always been a city in which many religions and nationalities lived side by side. It was only after the old city was back in Jewish hands that the Muslim Arabs declared their desire to wage "jihad" (holy war) to bring the city back into Arab possession.

> "Jerusalem has been the center of Jewish life, of Jewish yearning and of Jewish thinking for over 3,000 years. That is the reason that the State of Israel has rededicated the Jewish holy city to be its indivisible capital."

The notion to call Jerusalem an Islamic holy city has only come about in modern times, especially after the Arabs lost the city to Israel in the Six-Day War. It now has gained currency by dint of constant repetition. The basis for the claim is that Jerusalem does indeed contain an Islamic holy site, namely the Temple Mount (sacred to both Muslims and Jews) with its two mosques, El Aksa and the Dome of the Rock. It is the place from which Mohammed, who had never set foot in the city, is believed to have ascended to heaven. But aware that it was the holy city of Christians and Jews, and wishing to convert them to his new religion, he commanded his followers to build a mosque in Jerusalem. But never in Muslim history did this mosque or this city compare in significance to the holy cities of Mecca and Medina – cities that no "infidel" may visit.

**A tenuous Muslim claim.** It is on the basis of this religious tradition that the Muslims designated the entire Jewish Temple Mount to be their holy site. The Israeli government, in its constant spirit of accommodation to Muslim sensibilities, has largely acceded to this tradition and has put the area in and around the two mosques entirely under Muslim control. But how would Christians feel if, instead of from the Temple Mount, Muslim tradition had Mohammed ascend from the Church of the Holy Sepulchre and if the Muslim Arabs were to claim that site as their property? The Christian world, often ready to consent to Muslim claims against Jews and Israelis, would be greatly astonished and would certainly resist such claim. But Muslim Arab assertiveness doesn't end there. On the tenuous claim of their right to the Temple Mount, they have construed a claim to the entire city of Jerusalem (or at the very least to its eastern part), which they have declared to be their "third holiest city." And, it would be an insult to all Muslims and all Arabs to leave the city in the hands of the "infidel Jews."

**Jerusalem: Never an Arab capital.** But the city of Jerusalem – in contrast to Baghdad, Cairo, and Damascus – has never played any major role in the political and religious lives of the Muslim Arabs. It was never a political center, never a national or even a provincial or sub-provincial capital of any country, since Biblical times. It was the site of one Muslim holy place, but otherwise a backwater to the Arabs. The passion for Jerusalem was not discovered by the Muslim Arabs until most recent history.

**At the center of Jewish life.** But Jerusalem has stood at the center of the Jewish people's national life since King David made it his capital in 1003 BCE. After the return from Babylonian exile, Jerusalem again served as the capital of the Jewish people for the next five-and-a-half centuries.

Jews are not the usurpers in Jerusalem. They have been living there since the Biblical era and have been the majority population since the 19th century. Jews have synagogues and other holy sites in most cities of the world. But do they claim sovereignty over those cities because of it? Of course not! It would be preposterous and people wouldn't accept it. And the Muslim Arab claim to Jerusalem, based on the mosques on the Temple Mount, is just as untenable. Jerusalem has been the center of Jewish life, of Jewish yearning and of Jewish thinking for over 3,000 years. That is the reason that the State of Israel has rededicated the Jewish holy city to be its indivisible capital.

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